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Recollections of
Lord Coleridge

by
W. P. Fishback



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TO
THE HONORABLE JOHN M. HARLAN,
ONE OF THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES,
THIS VOLUME IS DEDICATED
AS A MARK OF ESTEEM FOR HIS HIGH CHARACTER AND GREAT
ABILITIES, AND OF GRATITUDE FOR HIS KINDNESS.

CHAPTER I.

GOING to England in May, 1891, I was fortunate enough to have a letter from Mr. Justice Harlan, of the Supreme Court, introducing me to Lord Coleridge. I delayed sending it for some days after getting to London, knowing that the courts and Parliament were in session, and supposing that his duties on the Bench and in the House of Lords would occupy his Lordship's time so that he would have little leisure, if he had the inclination, to show me any attention. At last, however, I sent the letter by post with my card, and the next day received the following note from his Lordship:

1 SUSSEX SQUARE, HYDE PARK, W.,
9th July, 1891.

MY DEAR SIR—I have received with great interest Mr. Justice Harlan's note of introduction and I shall be extremely glad to be of any service to you in my

power. Any day next week except Saturday (and Saturday in this week) I shall be very happy to see you in my room and to give you a seat upon the Bench.

Do you chance to be disengaged on Thursday, the 16th (this day week)? If you are and will come and dine here on that day at 8 o'clock it will give Lady Coleridge and me much pleasure.

Your faithful servant,

W. P. Fishback, Esq.

COLERIDGE.

I called on Monday at his Lordship's room in the Law Courts building, in the Strand, and found his secretary in waiting. That gentleman, a venerable-looking, mild-mannered person, was seated in the anteroom at a table upon which there was a tray of goose-quill pens. As soon as his Lordship arrived, I was ushered into his presence. Lord Coleridge was very tall, six feet three inches, I should suppose, with an erect, stout, but not corpulent figure. He had a fine, large head, with a smooth, benignant face, a winning smile, and a voice gentle and well modulated. Since the first publication of this paper in June, 1894, I have read some reminiscences of Lord Chief-Justice Coleridge, written by the present Lord Chief-Justice, Lord Russell of Killowen, which were published in the North

American Review, September, 1894. Lord Russell says that Lord Coleridge possessed "a voice, the beauty of which I have not often known surpassed. Indeed, if I except the voices perhaps of Sir Alexander Cockburn, Mr. Gladstone, the present Sir Robert Peel, and the late Father Burke, of the Dominican order, I shall have exhausted the list of those who may be said to have been his superiors in this respect."

Lord Coleridge greeted me most cordially, and, while his secretary was getting the gown and wig, he said that when in the United States, in 1883, the people had almost spoiled him by their kindness. He spoke of our Presidents, and said it was a matter of amazement to him, when he considered our method of choosing a chief magistrate, that we were so uniformly fortunate in selecting such able men. He spoke especially of President Arthur, upon whom he had made a call of courtesy at the White House. When he rose to leave, the President said, "No, stay longer. I wish to have a chat with you; you have no idea what a relief it is to have a visitor who is not after an office." He was delighted with Mr. Arthur,

whom he found to be a reader of good books and full of interesting literary gossip. It was a shame, he thought, that the chief magistrate of a republic of sixty million people should be compelled to waste so much time in settling disputes between claimants for office.

During the talk Lord Coleridge's son Gilbert came in, and he was full of cordiality and kindness. They both spoke of Secretary Blaine's ability as a diplomat, and were especially complimentary in what they said of his then recent note to Baron Fava, concerning the New Orleans riot and the killing of members of the Mafia. I expressed the opinion then, which has since been confirmed, that the credit of that matter belonged to President Harrison, rather than to Mr. Blaine. It is hard for an Englishman to understand that the President is in the habit of taking a personal hand in the management of international affairs; that he is his own Prime Minister, and that his Cabinet officers, whom he appoints and discharges at pleasure, are his under-secretaries.

Speaking of the riot at New Orleans, Lord

Coleridge said that the respect for law which is ingrained in the Anglo-Saxon character sometimes yielded to the pressure of great emergencies; that there were times when the swift methods of Judge Lynch became necessary in a community where crime is influential and powerful enough to debauch or intimidate courts or juries. This language, from the Lord Chief-Justice of England, while he was assuming the wig and gown, surprised me.

Lord Coleridge was Attorney-General in the Gladstone Ministry before he went upon the Bench, and will be remembered for the ability and success with which he prosecuted the Tichborne claimant. Speaking of Lord Coleridge's cross-examination of the Tichborne claimant Lord Russell says, in the reminiscences from which I have already quoted, "For my own part, I thought it and still think it the best thing he ever did. It was not a cross-examination, calculated, nor should I think even intended, for immediate effect. It was not like the brilliant cross-examination of the witness Baigent by Mr. Hawkins (now Mr. Justice Hawkins), in which the observer could follow the point and object, question by

question, but it was one, the full force and effect of which could only be appreciated when the facts, as they ultimately appeared in the defendant's case, were finally disclosed. When indeed the subsequent prosecution for perjury took place, it was then seen how thorough and searching that cross-examination had been; how, in effect, if I may use a fox-hunting metaphor, all the earths had been effectually stopped."

Lord Coleridge gave this incident in his parliamentary career. A critical question was up one night, in the Commons, and it was feared that a division would come before the Liberals could be brought in from the clubs. Gladstone requested him to speak against time while the "whips" were out, and to talk nonsense, if nothing else, for an hour. He obeyed his chief and when his task was done Mr. Lowe took the floor and held it until the Government benches were full and the Government was safe.

When the Secretary had adjusted the robe and wig, his Lordship asked me what I thought of the enormous tail to his gown. "This tail I am entitled to wear as a mark of distinction," said he, as he gathered it in his

hand and led the way to the court room, where he had an officer bring me a chair, which was placed beside him. The jury—a special London jury—was in the box. The oath was administered, the book kissed, and Sir Charles Russell rose and addressed the jury from an elaborate brief. The case was North vs. Stopes. It grew out of the subscription and sale of some corporation stock. “Sir Charles,” said his Lordship to me, “is to-day the greatest lawyer at the English bar.” He then handed me a slip with the names of counsel—Sir Charles Russell, Q. C.; Mr. Horne Payne, Q. C., and Mr. McIntyre, for plaintiff; Mr. Finlay, Q. C., Mr. Candy, Q. C., and Mr. Duke, for the defendant. The interests involved were large, and the jury was made up of business men of the best rank. Sir Charles’s opening statement showed the most perfect familiarity with the case, and, before he had finished, it seemed certain that he would win. Sir Charles, at one time, manifested a little impatience or petulance, if that is not too strong a word, at the well-intentioned though *mal a propos* interruption of his junior who twitched his gown to

remind him of some point which he may have neglected to present. A quick backhanded gesture was the rather discourteous response he made to the proposed suggestion. I was surprised to see him leave the court room as soon as he was through, supposing that, being senior counsel, he would conduct the examination of the witnesses. I was informed, however, that courtesy required that the senior should absent himself while his junior examined the plaintiff, who was the first witness. While this examination was in progress Sir Charles Russell could step across the hall and argue another case and earn a fat fee. But all of his fees were large, his annual income from his practice being, as I was informed, in excess of \$200,000. He is certainly a great lawyer, and has now succeeded Coleridge as Lord Chief-Justice. With his wig on, Sir Charles bears a resemblance to the portraits of Washington. He talks good American English, free from any trace of the New England or Southern peculiarities; free, also, from all signs of cockneyism or the fashionable hesitancy of speech so much affected by the peers and other English speak-

ers and a few Anglomaniacs in and about New York.

While the plaintiff was testifying, the Chief-Justice took careful notes of the principal points, and when there was a pause to allow him to finish a sentence, instead of the ordinary "go on," or "proceed," he would say "yes," with a rising inflection, and the witness would resume. The business went forward rapidly, but with perfect order and dignity. During the examination of Mr. North an incident occurred which caused some merriment and brought to mind the ludicrous story of Dickens's about the red-faced judge who presided at the trial of the case of *Barrell vs. Pickwick*, in which Mr. Winkle vainly tried to persuade the judge that his name was plain Nathaniel, instead of Daniel Nathaniel, as the judge had it in his notes. In computing the number of shares of stock subscribed, the total was put at 1,715, divided between A, B and C. The Chief-Justice omitted one item, and his footing did not agree with that of the counsel; but, being down in the judge's notes, it was conclusive until one of the counsel came to the relief of

the court and in a bland way pointed out the omission.

I noticed during the progress of the case that when a paper was produced in evidence, it was not allowed to be read until a revenue officer in attendance inspected it to see if it required a stamp, and if the proper stamp had been affixed and canceled. The rule for a time was that an unstamped instrument was absolutely void.* Now it is held that no right can be asserted under a paper requiring a stamp until the stamp is affixed. Penalties are enforced for the willful omission to stamp a writing which the law requires to be stamped. After the plaintiff's examination was finished, there was an adjournment for half an hour for luncheon in the room of the Chief-Justice, where the standard English chops, peas, potatoes and claret were served. His Lordship, rising to go, said: "You will see now how soon I shall dispose of that case. It rests almost wholly upon the documentary proofs, introduced in connection with

*Such was the rule in the courts of the United States when our revenue laws first required stamps to be affixed to deeds and other written instruments.

plaintiff's testimony, and the lawyers on both sides know what I am going to say to the jury." Just then there was a tap at the door, and a bailiff presented himself with a message, saying if his Lordship would wait a few minutes the case would be settled. Court convened soon after, and the jury was discharged, the judge saying to counsel, "Do not forget the honorarium, gentlemen." This honorarium was a guinea for each juror, the customary fee. His Lordship expressed the opinion that it would be better to adopt our system of paying jurors from the public treasury.

He told me a story of a successful cross-examination of a rascal who was trying to prove a forged will. Lord Coleridge was a junior in the case, with Mr. Rowley, Q. C., senior. A man of fortune had bequeathed the bulk of his estate to a niece and a nephew. After his death a new will turned up, purporting to have been made at Bath, where the testator had gone a short time before his death. The scoundrel who had a hand in fabricating the will appeared as a witness, and told a story of great plausibility about how the instructions were given by the

testator, and how he had followed these instructions in preparing the will. Rowley, after working an hour or two, was discouraged, and said to his junior, "How can I break that rascal down? He is lying and I know it, but he is imposing on the court and the jury." He resumed his questions, however, and the witness began to fidget, and show signs of weakness; he fumbled in his waistcoat pocket and pulled out a slip of paper, which he quickly put back after glancing at it. Rowley caught him and said, "Let me have that paper."

"No, I won't," said the witness. "I haven't used it, and you have no right to it."

"Will you swear, sir," said the lawyer, "that it does not contain some memoranda pertaining to this case?"

The fellow was confused, counsel on the other side protested, the jurors became curious, and finally the paper was put in the hands of the cross-examiner. There were some words on it which did not seem to be coherent, but the wily lawyer, assuming to understand more than he really did, began to

prod the witness, who was soon freely per-spining and in a high state of excitement. Counsel on the other side saw their case going to pieces, and arose and told the court they were satisfied that the witness was a liar and that the will was forged.

I reminded him of the case mentioned by Frederick W. Robertson, of Brighton, which occurred at the Assizes, in which a rascal was on trial for cheating at cards. Prosecutor and witness had failed to discover the cheat's trick. Jervis, the presiding judge, took the pack of cards in his hand and gave them to the foreman of the jury to shuffle, saying he could pick out and name any card in the pack without facing them. He did it, and pointed out a marking which had escaped the notice of everybody till then. Lord Coleridge remembered the case and said that Jervis had tried a card-sharp a few days before at another place, on the circuit, when he had acquired the knowledge that enabled him to detect the cheat.

The will case reminds me of the success of Alexander Hamilton in cross-examining a witness₂ named Croucher, who was testifying

against Hamilton's client, who was on trial for murder. It was dark and candles were brought into the court room. Before taking the witness in hand Hamilton placed a lighted candle on each side of the witness's face and asked the jury to look in the eyes of the witness while he testified. Counsel on the other side protested, but Mr. Hamilton told the court that in a short time it would appear who the real murderer was. He then began his cross-examination, and it was not long before Croucher was utterly broken down and the prosecution abandoned the case. The witness fled to England, where he committed some other crime, for which he was executed.

The ability to successfully conduct a cross-examination of an intelligent and prejudiced or rascally witness is rare. Some lawyers go at a witness as a savage goes at his enemy, with a knotted club, relying upon the mere brute force of browbeating. This method of attack is faulty in theory and usually results in disaster to the lawyer. Quiet self-possession, patient perseverance, fairness to the witness, quick perception, good temper, or at least no manifestation of ill-temper; these are

the qualities which enable the great lawyer to expose one who is trying to palm off upon a jury a made-up story.

CHAPTER II.

THE invitation to dine with Lady and Lord Coleridge was for 8 o'clock. Within five or ten minutes of the time named the guests were assembled, with the exception of the Lord Chancellor, who did not arrive until the others were seated. He explained that he was kept at the House of Lords, where there was a protracted discussion of the free education bill, the Duke of Argyll holding the floor till a late hour. Among others present there were Mr. Russell, whose sketch of Gladstone had just been published; Mr. Harrison, a brother of Frederic Harrison; Mrs. Eleanor Woodehouse, daughter of Matthew Arnold, whose husband is a son of Earl Kimberly, formerly Irish Secretary in the Gladstone Ministry, and now a member of Lord Rosebery's Cabinet; Mrs. Bigham, wife of Mr.

Bigham, Q. C., who stands with Sir Charles Russell in the front rank of England's great lawyers; Lady Denison, Miss Baring Lawford, sister of Lady Coleridge, and others, whose names I do not recall.

It might go without saying that a London dinner party of English ladies and gentlemen, made up by Lady and Lord Coleridge, would be fairly typical of the intellectual aristocracy as opposed to the horse-racing, prize-fighting and baccarat nobility, who have inherited social station instead of winning it. Schopenhauer was in the habit of dining at a café which was much frequented by some scions of the English nobility. It was noticed that whenever the philosopher of pessimism took his seat he placed a gold piece on the corner of the table. After several days this conduct excited curiosity, and some one was bold enough to ask Schopenhauer what it meant. "Why," said he, "I have made a wager with myself—that whenever I hear those young Englishmen over there talk on any subject but dogs, horses and women, I will give that money to some charitable institution. From

what I have seen and heard, however, I expect to keep my gold a long while."

Well, Lady Coleridge's company did not indulge in that sort of talk. Here let me mention a bit of Philistinism which cropped out in a recent article on London society in one of our leading magazines. The article told of an American who was shocked at what he regarded as the ill-breeding of a London host or hostess at whose house he was an invited guest. He doubtless expected to have a jolly, effusive, hand-shaking and back-slapping reception, something of the plutocratic-cheerful-vulgarity style of New York. He was amazed, after threading his way through the lines of ushers into the drawing-room, to discover that he was left alone to make his way, as best he could in a strange company, without a formal introduction to the guests. So he made a wall flower of himself, and wrote himself down an ass in an ill-natured criticism of what is certainly one of the greatest charms of well-bred society. Persons invited to such a company are vouched for by the host and are expected to make

themselves agreeable to one another without preliminary introductions.

You address the lady or gentleman who happens to be next to you at the table or in the drawing-room, with the freedom of an acquaintance. If the conversation which ensues is agreeable, the chance meeting may lead to a familiar interchange of views, and may possibly ripen into a lasting friendship. This is immeasurably better than the awkward formality which debars conversation among guests who have not been "introduced." Surely, we may learn from others something of the social amenities and equities, and some of the small, sweet courtesies of life which are so essential to right living.

Our amiable and candid critic, Mr. Matthew Arnold, gives us great praise. He says our institutions fit us like a well-made suit of clothes, our women are charming, we have successfully solved the political problem, we have solved the social problem also and have established the principle of equality, but he regrets to say that we have not solved the "human problem"—there is a lack of urbanity in the newspaper style of writing, a

tendency toward the penny-dreadful manner, the flippant funny man is too much in evidence, there is something bordering on indelicacy in the way in which our leading newspapers discuss the private and family affairs of public men. When our editors tell us that all this is because our people like it and will have it so, it is an open confession that Mr. Arnold's criticism is just. Is it not quite likely that our blood kin of the tight little island have not been fooling away their time for a thousand years, and that they really know how to do some things quite as well as ourselves?

CHAPTER III.

SEEING Matthew Arnold's daughter a guest at Lord Coleridge's recalled the remark attributed to Lord Coleridge when Mr. Arnold was lecturing in America, that Mr. Arnold was the greatest living Englishman. I mentioned it to him, and he said that he had not used the word "greatest," but had called Mr. Arnold the most "distinguished" living Englishman, in the sense that he was unique and set apart from his countrymen by such marked peculiarities of style in prose and poetry, by his great scholarship, his broad sympathies, and his unerring and grateful appreciation of what was best in literature, ancient and modern. Mr. Arnold and Lord Coleridge, the one from Rugby and the other from Eton, were fellow-students at Balliol College, Oxford. Mr. Justice Coleridge,

Lord Coleridge's father, was one of the most intimate friends of Dr. Arnold, of Rugby, a fact which is well attested by the correspondence published in Dean Stanley's life of Dr. Arnold. When Dean Stanley was preparing this life Mr. Justice Coleridge was requested by Mrs. Arnold to prepare and deliver to her husband's biographer such recollections as he had of Arnold's career as an undergraduate at Oxford. He closes his sketch with these words: "Within the peaceful walls of Corpus I made friends, of whom all are spared me but Arnold—he has fallen asleep—but the bond there formed, which the lapse of years and our differing walks in life did not loosen, and which strong opposition of opinions only rendered more intimate, though interrupted in time I feel not to be broken—may I venture without unseasonable solemnity to express the firm trust that it will endure forever in eternity?" This bond of friendship was transmitted to their more distinguished sons. It was pleasant to hear Lord Coleridge speak feelingly and with generous praise of his dead friend. At the foot of the stairway in the Coleridge man-

sion was a fine bust of Matthew Arnold, a copy of one which has been placed in Westminster Abbey, Lord Coleridge being the orator who pronounced the panegyric at the public ceremony.* The two men were about the same age, and always addressed one another with the familiarity of boys. Arnold was always "Matt" to Coleridge. "Was Mr. Arnold true to his teachings as the apostle of the gospel of sweetness and light?" "Perfectly and always," was Lord Coleridge's answer. He told me that Arnold's ideal of a happy home was realized in his cottage at Cobham, in Surrey, where his widow still resides. There were his family, his books and his dogs. He was forever weeding his library shelves and getting rid of cumbersome and useless stuff.

He and Coleridge came under the spell of Newman's influence at Oxford, and the friendship there established was never broken or weakened by Newman's forsaking Anglicanism and going to Rome. "A most faithful likeness," as Lord Coleridge called it, of the Cardinal, made but a few months before

*This address is published in full in the Appendix.

his death, hung on the wall in Coleridge's library. It is a saintly face. Near it was a splendid likeness of his Lordship, made by his first wife, who was an accomplished artist. In his poem on Rugby Chapel, Matthew Arnold speaks with triumphant faith, or shall I say hope, rather, of there being a place where "that strength, zealous, beneficent, firm," of his father shall find occupation with the immortals in "the labor house vast of being." And now he is of them also, with his father, and the two Coleridges, and Newman, and Professor Jowett, the master of Balliol, who went before Coleridge—the last one—only a few months ago. Of Prof. Jowett's death Lord Coleridge wrote me in October, 1893, saying: "The death of the master of Balliol has hit me very hard. He was the best and almost the oldest of my surviving friends, and his death has made my world much poorer and much smaller. He was a really great man, a very good one, and one of the tenderest, most loyal and truest of friends."

CHAPTER IV.

I WAS interested to know something of Mr. Arnold's daily life, and I count it no infraction of the rules of hospitality or propriety to give some facts which I learned from Mrs. Woodehouse, at dinner that day. Her father was an incessant reader, and always read with pen in hand, making copious notes. He was an early riser, and worked in his library without refreshment until the breakfast hour at 9 o'clock. After breakfast he resumed his work, and continued it until 2 or 3 o'clock, when he was ready for a long ramble of an hour or two, in company with his daughter, over the Surrey hills. He was a good shot, and kept dogs, which he always took with him in these excursions.

When I had the honor of entertaining Mr. and Mrs. Arnold at Indianapolis, during his

lecture tour in 1883, a partnership dog, owned or claimed by Myron Reed and me, presented himself at the hall door and insisted upon coming in with the guests. It was a sleety February day, and I was on the point of shutting the door against "John," but Mr. Arnold said, "Let John come in," as he stooped and patted him on the head. John recognized him by some sort of freemasonry, and seemed to understand that he was indebted to his new friend for the privilege of curling up on the rug that evening, in the midst of good company, instead of staying in his lonesome kennel.

John was a stray, and, so far as we could learn, an unregistered pointer, which had been abandoned by some pot-hunter who had worn him out during the shooting season. He was found in my outhouse, rheumatic and emaciated, and by virtue of starvation and ill treatment had become a pessimistic "tramp." At first he snarled when food was offered to him, but kindness brought him around at last, and in a few months he became a favorite with all the children in the neighborhood. If the night were cold he would leave his

kennel and cross the street to Reed's home, and if a light were burning in the preacher's library, John would give one peremptory knock at the door, and, being admitted, he would stretch himself before the fire, with his nose on his paws, and watch the preacher while he was writing one of his inimitable sermons, or, if in the mood, reading the very latest novel. Reed said he always knew when our family had gone to bed by John's signal at his door. John went to Denver with the preacher and soon died.

One of the most pathetic things I ever read was Reed's letter describing the last hours of our old friend and the sadness of the household at the time. He said he then resolved he would have no more dogs about the house, but one day he came home and found his little daughter fondling an ill-favored puppy with "a Websterian head, thick tail and enormous feet." He ordered it out of the house, but the child pleaded for her pet and said she had taken it from a boy who was about to "drown him in the *cold* water." That settled it, and puppy became a member of the family. If the dog is living yet you

may be sure that he will stay by his friend Myron—call him what you will, Populist, Communist or Anarchist. It was Ouida, I think, who said that the more she saw of men the better she liked dogs. There is something lacking in the make-up of a man who does not take kindly to an affectionate dog. Reed told me once he doubted the power of divine grace to save one of the elect, a deacon of the Presbyterian Church, because he had poisoned two beautiful setters belonging to a neighbor just before going to prayer-meeting.

I told Mrs. Woodehouse that her father's many friends would look with interest to the publication of a biography, but she answered that it would not be according to her father's wish if his life were written. He had seen so many caricatures under the guise of biographies that he preferred to rest his claims for fame and usefulness on what he had written and published. It is strange to many that Mr. Arnold wrote very little poetry, during the last twenty years of his life, a period during which, in other lines of literary work, he was so productive. His family and friends

say that his standard was so high and his critical judgment so severe that he preferred to write none, rather than to produce what might be classed as unsound or inferior. He was not much of a letter writer, and was in the habit of using his daughter as his amanuensis.

Notwithstanding Mr. Arnold's disinclination to have his life written, it would surely be very grateful to the many and certainly increasing number of the admirers of his writings to know as much as possible of the man who has exercised such a powerful formative influence upon the thought of the present generation. I have heard also that Mr. Arnold was in the habit of destroying letters written to him. In this he was like Sydney Smith, who wrote to the daughter of Sir James Mackintosh, when she, in collecting materials for her father's biography, asked him for letters, that he had made it a rule to promptly destroy every letter he received from any human being. This was a great mistake. The world would know but one side, and that not always the best, of some of

its greatest men, were it not for the charming letters they wrote. Where is there more delightful reading than the letters of Cowper, Swift, Heine, Carlyle, Emerson, Motley, Dr. Arnold, and others that might be named? Even the old bear, Dr. Johnson, shows the velvet on his paws in the two volumes of his letters to Mrs. Thrale and others.

When the ladies retired and the gentlemen gathered about their host at the top of the table, where the port was served, a remark of Lord Coleridge led to a conversation about the American judiciary. The Lord Chancellor looks upon the short tenures of our state judges and their election by a popular vote as an abomination, and in this he is probably in line with the current opinion among thoughtful Americans.

There is something shocking in the spectacle of a candidate for a place upon the Bench going about with the ward workers and heelers and counseling with the local bosses concerning the best method of fixing things at the primary, and taking an active part in all the questionable proceedings which go by the name of practical politics. How often have we

seen judges juggling with their consciences in their efforts to do what they believed to be right without offending some active party workers who claimed to have fixed the delegates in the convention for them, and thus secured their nomination for the places they hold.

“See,” said the Lord Chancellor, “the contrast between your federal judges, who are appointed and have a life tenure, and your judges who are elected, and whose tenure depends upon the whim of party managers.” When the mails are stopped; when business is paralyzed; when many good people fear that we are on the verge of anarchy and that popular government is a failure, we turn to the federal judiciary for the maintenance of law and order, and for the protection of life and property.*

Of many things said there about English

*This was written during the strike of 1894, when, at the command of Debs, the railway system of the West was tied up. Judge Woods, the United States Circuit Judge of the Seventh Circuit, issued his injunction commanding Debs and his associates to stop interfering with the operation of the railways. For disobeying this order Debs has been tried for contempt of court and sentenced to eighteen months imprisonment. The prompt action of Judge Woods ended the strike.

politicians and English politics, it is not for me to speak; only let me say that the English women are keenly alive to all public questions, and discuss them with a relish and vigor which would surprise those who imagine that these high-bred ladies are wholly absorbed in frivolous occupations.

CHAPTER V.

A DAY or two after the dinner at Lord Coleridge's London mansion I received the following letter :

STAR AND GARTER HOTEL, }
RICHMOND, 19th July, 1891 (Surrey). }

My Dear Sir—I mentioned to you that we should be at Warwick on Saturday next and at Birmingham the Wednesday following—on the circuit. If you like to see something of our circuit ways and customs I shall be glad to be your guide and host. I fear the capacity of the lodgings will not allow me to offer you bed, but we shall be delighted to give you board, and there are very decent inns, both at Warwick and Birmingham. Warwick is an exceptionally beautiful and interesting place—full of fine things, especially the castle—and you will be in the very midst of Shakspeare's country, whose name I spell as above, but not on the road to spell it Bacon. I have come here to rest for the Sunday, and to-morrow I have to go into Kent to have a "view" in a curious and important case being tried before me without a jury. I leave London on Wednesday, but a line to 1 Sussex Square will always find me. Sincerely yours, COLERIDGE.

W. P. Fishback, Esq.

Nothing could be more acceptable to an American lawyer visiting England than such an invitation, and I promptly answered that I would be at Warwick at the opening of the Assizes. The judge on the circuit is furnished with a house for himself and family to live in during the sessions, and as Lady Coleridge, her brother and sister and her friend, a Mrs. Barrington, of Devonshire, were on the circuit with Lord Coleridge, the house was full. I found comfortable lodgings at the Woolpack Inn, where I got my breakfasts, taking luncheon and dining with Lord Coleridge and family at the Judge's Lodgings, as it is called, a substantial structure designed by Inigo Jones.

The expense of keeping up the judge's house is borne by the local authorities during the Assizes. By an ancient custom the lord of a neighboring manor sends for the table of the Lord Chief-Justice, when he is holding the Assizes, a haunch or saddle of venison, and sometimes an entire carcass. When the gift is received the marshal of the Lord Chief-Justice makes a formal and official acknowledgment, sending a simple "thanks" if it is

a haunch, "thanks for the handsome present" if it is a saddle, and "thanks for the splendid gift" if it is the entire animal. It was a splendid gift this time, and the venison was good and well dressed. It sometimes happens that owing to political differences or personal dislike the donor and the donee are not good friends, not even on speaking terms, but this causes no breach of the custom, which has been observed from a time whereof the memory of man runneth not to the contrary.

By another custom as old, whenever the Lord Chief-Justice comes to hold the Assizes in the Midland Circuit, Balliol College, of the University of Oxford, sends him a pair of immaculate kid gauntlets, which he wears at the opening ceremony.

Lord Coleridge and family arrived at Warwick on Saturday, at 6 o'clock P. M., and the event was announced by the ringing of church bells. A corporation coach, attended by city officials and preceded by trumpeters, conveyed the city's guest to the Judge's Lodgings. An hour later I sent a note to his Lordship advis-

ing him of my presence and soon received the following answer :

JUDGE'S LODGINGS.

WARWICK, 26th July, 1891.

My Dear Sir—I am glad you are here. I go to church in state at 11, which is a piece of our peacock life you might perhaps like to see. I will see that you have a place with my marshal if you like to come here about ten minutes to 11. This afternoon I am engaged, but I hope you will come and dine here at 7:45. Lady Coleridge is most anxious to thank you for that beautiful little volume of poems [Riley's "Old-fashioned Roses," published by Longmans in London] you sent her. She would have written yesterday, but she arrived late from London quite used up. Believe me to be yours very sincerely,

COLERIDGE.

I arrived at the Judge's Lodgings a few minutes before 11 and found everything in readiness. The chaplain had sent a large basket of roses which were beautifully arranged on a center table in the reception room. And there was the Lord Chief-Justice, arrayed in all the bravery of his official togger. His head was adorned with the enormous wig which is never worn except on state occasions and when the portrait painter is at his work. He wore the crimson robe, with the long "tail," and about his neck was a massive

gold chain which was first bestowed on the Chief-Justice in the time of Henry VII. His hands were encased in the white kid gauntlets—the gift from Balliol, his Lordship's college at Oxford. It was an imposing sight to see the crowds on the streets making way for the trumpeters who preceded the corporation carriage in which the Lord Chief-Justice, the mayor and the chaplain were carried to St. Mary's Church, where the chaplain preached a short and sensible sermon from the text, "Wherefore, I was not disobedient unto the heavenly vision."

The building is a pretty piece of architecture, which was designed by Sir Christopher Wren, the architect of St. Paul's. The church was crowded, and the solemn service of the English Church was reverently attended to by everybody, from the Lord Chief-Justice to the "boots" from the inn. There is a democracy in the English churches which might well be copied in such churches as John Hall's, on Fifth avenue, New York, where the holders of the cushioned pews scowl at a stranger as if he were a Digger Indian.

Coming out after the service, I noticed some shelves in the vestibule which were filled with bread. Lady Coleridge informed me that some charitable people in the time of Lord Leicester (Amy Robsart's husband) had, by their wills, set apart a fund to provide this bread for the poor of the parish who have received it every Sunday since then.

Going back to the Woolpack Inn, after service, I found there Mrs. Washington Gladden and her daughter, of Columbus, Ohio, who were staying over Sunday at Warwick, while Mr. Gladden had gone off to preach in a neighboring town, Leamington, I think; a few minutes after, a messenger came from Lord Coleridge with his private key to the garden and park attached to the castle. This gave me a privilege seldom enjoyed by tourists, who are usually excluded from the grounds on Sundays. Mrs. Gladden and Miss Gladden accompanied me in an afternoon ramble under the cedars and beeches, and along the banks of the Avon, which flows under the castle walls. Meeting the gardener, he conducted us through the graperies and fruit gardens, which showed the results of careful

and skillful tending, and gave splendid promise of profuse fruitage for autumn and winter. At the turning of an alley we came suddenly upon a gentleman who seemed much surprised at our presence there. With perfect courtesy he asked us how we expected to get out of the grounds, which was, as we construed it, a euphemistic way of saying, "how did you happen to get in?" When it was explained that Lord Coleridge had kindly given to me his private key, the gentleman bowed an apology, but told us that as the family were "in residence" at the castle, he would request us not to go inside of the inner court, a very proper request, which was cheerfully obeyed. Nothing can be lovelier than a bright July day amidst such scenes and associations. But as to all that see Baedeker *passim*. It was late in the afternoon when we got back to our inn, and I had barely time to dress for dinner at the Judge's Lodgings with Lord Coleridge and his family.

CHAPTER VI.

I HAD seen Lord Coleridge presiding as Chief-Justice in the Law Courts at London, and as host at a dinner party at his mansion in Sussex Square. I had also witnessed the "peacock" parade at church, of which he was the central figure, and I was now to have the pleasure of meeting him and his family in a less formal way at a Sunday dinner. Some correspondent in a letter recently published spoke of Lord Coleridge's beautifully modulated voice, and how, in cross-examining an unwilling witness, he could win him over by the sweet courtesy of his words and manner. He had no faith in the "bow-wow" style with which ignorant lawyers attempt to browbeat witnesses until the jury and judge are exasperated, but took the witness into his confidence, so to speak, and,

maintaining the attitude of an honest and earnest seeker after the truth, usually succeeded in getting a perfect disclosure. This voice of his was a great gift, or talent, rather, and the play of it in familiar talk with the members of his family was pleasant to hear. Without abating one jot of his dignity, he put everybody present upon a level with himself, and for the time being the Lord Chief-Justice disappeared and the man Coleridge was manifest, though the ladies invariably addressed him in a half playful way as "Chief."

It is not necessary to speak of the dinner, or of the manner in which it was set forth and served. The English dinner is one of the great triumphs of social life, and it is seen in its perfection when given by such hosts as Lord and Lady Coleridge. As to the menu, I did not think of it; as to the ladies' toilettes, they were in such perfect good taste that they did not attract attention, and the light-footed serving men came and went so quietly that they seemed to perform their offices by magic.

Lord Coleridge was a prince of talkers, and his talk was of the great men he had known

and of the great books with which he was familiar. He spoke much of his friend, Matthew Arnold. They had lived as boys together in Devonshire, when they were six and seven years of age, Coleridge being Arnold's senior by one year. Even then, deep in their studies of Latin and Greek, there was formed a personal and literary friendship which was only interrupted by death. At an age when our American boys are making mud pies in the kindergarten, Coleridge was reading Virgil under the tuition of his celebrated aunt, Sara T. Coleridge. Speaking of Arnold, he said that as son, husband, father, brother, chum, friend and companion, he was always and everywhere the same genuine gentleman. Once Coleridge had the right to make a nomination for membership of some society at Oxford; I do not remember what it was, but it was absolutely necessary that the candidate should make a speech, and Arnold had never made one. Coleridge named Arnold for the place, and notified him that he would be expected to make a speech. "Matt, you must make a speech," said Coleridge.

"But I can't," said Arnold, "I never did such a thing in my life."

"But you must; otherwise you can not be elected."

"Well, I'll try," said Arnold, despairingly.

"It was a very poor speech, indeed," said Lord Coleridge, "but it fulfilled the condition."

Lord Coleridge was severe in his criticism of Louis Napoleon and the Empress Eugenie. He had known the former personally, and knew enough of him to know that he was a beast. As Emperor of the French, he did everything in his power to minister to the lowest tastes of his people that they might tolerate his dynasty. He said he had once denounced Eugenie publicly, and she was the only woman he had ever felt called upon to treat in that manner. As Empress, she was a cold-blooded, scheming woman, cruel and ambitious, and she more than any one else was responsible for the Franco-German war and all the suffering it caused and the humiliation of France. While he had no criticism to make of the Queen's official recognition of

the deposed Empress, he found fault with her fondness and liking for a woman of such a history—it tended to salve over and give a sort of approval to a character thoroughly unscrupulous. There has been an effort of late in some of the English periodicals to excuse or palliate the conduct of Eugenie in forcing her husband and son to take part in the disastrous campaign which had such a swift and disgraceful ending at Sedan, but the public voice and the verdict of history will be against her.

Lord Coleridge told a story of the elopement of the late Charles Mathews, who ran away with a Mrs. D., who had a son by her lawful husband. Mathews carried away mother and son, and he was such a jolly good stepfather that the boy—now a man—calls himself Mathews and is known by no other name. Many of my readers will remember Mr. Mathews and his engagement at Indianapolis about twenty-five years ago. “Cool as a Cucumber” was the title of a farce-comedy, which, I believe, he wrote himself, and in which he played the leading part. He was then on his way to England

and had been a year in Australia and California. He was tired of the everlasting sunshine and was pining for an English drizzle and a London fog. In company with Mr. Halford, of the Indianapolis Journal, I called on him at the Bates Hotel, where we found him in a happy mood. We were having a nasty February day, and Mathews said he began to feel as though he were getting home again. He did not allow us to go without cracking a bottle of wine with him. Of Charles Mathews, the elder, Lord Coleridge said that he was the most versatile and remarkable man who had appeared on the modern English stage. With a green curtain for a background, a plain table and chair and a box filled with trumpery for a setting, Mathews would come on in an ordinary dress, seat himself at the table, and for two hours would keep the audience in a roar of laughter at his story telling and characterizations. During the vacations Mathews would visit Yorkshire, Lancashire and other localities to gather stories and learn the dialects. He confessed that the Devonshire dialect was too much for him.

Macready, Lord Coleridge said, was also an actor of great power and versatility. The actor who was to play Richmond to his Richard once asked: "Where shall I hit you, Mr. Macready?" "Wherever you can, sir," was the answer. Macready was a perfect master of fence.

Invariably in addressing his wife's brother and sister, Lord Coleridge called them "brother" and "sister." "Mr. Fishback, you will please take my sister to the table," he would say. We are accustomed to ridicule and laugh at the disinclination of the House of Lords to pass the bill which has so often gone through the Commons for removing the legal bar which prohibits marriage with a "deceased wife's sister." Matthew Arnold, in one of his essays, says that, while upon principle there seems to be no excuse for the existing law, it can be justified on the ground of delicacy. And I can well see that there would be a shock to the sensibilities of a refined person in the bare suggestion of such a relation. It may be called squeamishness—but a little dash of that even might be of value to our robust American character.

CHAPTER VII.

ON Monday morning, July 27, at 11 o'clock, I went to the Judge's Lodgings, where I met Mr. Baring Lawford, the brother of Lady Coleridge, who conducted me to a seat on the judge's bench in the court room. Presently the Lord Chief-Justice, clad in his crimson robe, a wig with long curls, wearing his immaculate kids and carrying about his neck the massive gold chain, and escorted by the high sheriff, clerk and bailiffs, came into the room, and, after a stately bow to the barristers and those present, who stood up at his entrance, and the proclamation of the crier, his Lordship took his seat and the Assizes were open. The grand jurors arose, the oath was first administered to the foreman and then to the other jurors, three at a time, each juror obeying the injunction given by the clerk at the

end of the oath to "kiss the book." The oath was in substance, and almost in words, like the oath now administered to grand jurors in all the American criminal courts.

I was peculiarly struck by the make-up of the grand jury, which was composed of men of education and of commanding influence in the county. It is esteemed as a privilege and an honor to serve in that capacity. Here it is considered by many of our best citizens as an intolerable burden. A short oral charge was given by the judge, and the jury retired to an upper chamber directly over the judge's seat to consider the indictments presented by the crown officers. The court room was small, circular in form, with a gallery supported by pillars running around the entire room. The attorneys and solicitors, clad in ordinary citizens' dress, occupied a small space in the center, directly under the judge's bench; the barristers, in wigs and gowns, were ranged on two benches to the left, and the jury box was on the opposite side of the room, so that the barristers addressing the jury spoke over the heads of the attorneys and solicitors, who occupied the pit

in the center. To the right of the jury box were the witness stand and the prisoner's dock. While the grand jury were deliberating Lord Coleridge turned to me and said: "I will now go out and rid myself of some of this superfluous toggery.*"

*Notwithstanding Lord Coleridge's talk about his wig and "tail" and "togger," he was certainly conscious of the fact that these official belongings are not without their use. Under the American system of an elective judiciary and short tenures, the Bench has declined in ability. Excepting the federal judges, and those who are appointed or elected for long terms, it can not be said that they are as a rule selected from the ablest and most learned of the profession. Dependent upon popular favor, and, worse still, often dependent upon the wire-pullers and "practical politicians," so-called, for their places, it is difficult for our elective judges to maintain that independence and dignity of character which are essential to a good judge. Some of our candidates for the Bench, on the eve of elections, go about with the "bosses" and "fixers" to the beer-gardens soliciting votes. Colonel Ingersoll once said that the Comanche Indians could be made peaceable, if, instead of blankets, the government would compel them to wear stove-pipe hats and dress coats. The wearing of gowns by the judges of our state courts would not make Marshalls and Storys of all of them, but it would raise questions in the public mind, and in their own minds possibly, as to their fitness for judicial stations. Hooker, in his Church Polity, insists, with

Lord Coleridge returned in a short time with a lighter wig with short curls. He had hardly resumed his seat when the foreman of the grand jury, from the gallery above, handed down to the clerk, whose desk was at the right of the judge, an indictment which was presented at the end of a staff about ten feet long.

The clerk took the document from the ring in which it was enclosed, inspected it a moment to see if it were properly signed and indorsed, announced the name of the defendant, who immediately appeared in the dock, and, after arraignment and plea, the petit jury was sworn to try the case. The prisoners to be tried had been committed by the examining magistrates and the indictments had been prepared before the assembling of the grand jury.

strong reason, upon the clergy wearing a dress befitting their office. He says, "Notwithstanding both judges, through the garments of judicial authority, and through the ornaments of sovereignty princes, yea bishops through the very attire of bishops, are made blessed, that is to say, marked and manifested, they are to be such as God hath poured his blessing upon by advancing them above others and placing them where they may do Him powerful good service."

The examinations by the grand jury were very brief, and the witnesses came at once from the grand jury room into court to testify at the trial. This was a very expeditious way of transacting business, but the theory of the English people is that the criminal laws and the criminal courts are enacted and established to punish offenders rather than to afford tricky and eloquent advocates an opportunity to befuddle witnesses and jurors, to the end that felons may escape punishment. Upon the whole, I prefer the swift, sure, but, at the same time, careful methods of English criminal jurisprudence to our cumbersome, technical, dilatory way of dealing with criminals. Even when supplemented by the proceedings of Judge Lynch and the White Caps, our efforts come short of what good citizens have a right to expect in a civilized country.

The barrister, holding the brief for the prosecution, rose in his place as soon as the prisoner appeared and stated the case to the jury. He then produced and examined his witnesses. Following this came the address of the barrister, defending, and, after the witnesses for the defense were heard, the

judge summed up, or, as we say, charged the jury. There were no motions to quash indictments, or to continue cases, or to change the venue; no instructions were prepared by wily counsel to trap the court into an error, and the charges were oral. The summing up by Lord Coleridge was comprehensive and fair. No point in the evidence for the prosecution or the defense was slurred or unduly emphasized. A barrister told me that there was no judge in England whose recollection of testimony was so accurate. Without having taken a note he would state the substance of every witness's story, so that when the judge finished the jury were ready to return their verdict. In every case the verdict was returned after a short consultation in the box; the jury did not retire from the court room once, and the longest time occupied in their deliberations, on a single case, did not exceed ten minutes.

In one case the jury acquitted a prisoner who the judge thought should have been convicted, and he jokingly remarked that Mr. W., the barrister for the defense, had beaten him in that case. He was not seriously

offended, however. It was a charge of criminal assault upon a young woman, whose testimony was very positive as to the fact, but she did not make it quite clear why no outcry was made until a couple of young men coming over a stile in the hedge row surprised her and the prisoner in a compromising position. What was remarkable in the case was that the witnesses detailed the facts without being allowed to dwell upon the disgusting details, which are usually elicited with so much gusto by dirty-minded attorneys in our criminal courts. When the prosecutrix stated that the defendant was "taking proceedings" with her, the judge said "that is sufficiently explicit."

A clerk in a Birmingham bank had been guilty of forging checks amounting to \$7,500. The crime had been committed only a short time before the trial. When the prisoner rose to receive his sentence the Chief-Justice addressed him substantially as follows: "Young man, you have been holding a position of great trust, and you have betrayed it. I should have very little respect for myself, personally, or for the great office I hold, if I

should consider your offense a light one. I give you ten years' penal servitude.'

It will occur to my readers that this method of dealing with bank wreckers is somewhat summary when contrasted with our ways of doing things. A few instances of sure, swift and severe punishment in such cases would have a wholesome effect upon the conduct of our bank officials. No dilatory motions follow the verdict. As soon as it is announced sentence is pronounced and the convict is sent to prison.

CHAPTER VIII.

I NOTICED that Lord Coleridge had a document which he examined with care just before pronouncing sentence. The following letter, from Mr. Egerton B. Lawford, the marshal of the court, and a brother of Lady Coleridge, explains it:

JULY 30, 1891.

Dear Mr. Fishback—I am directed by the Lord Chief-Justice to forward to you the inclosed calendar of prisoners tried at Warwick this week. His Lordship thinks it may be of interest to you containing, as it does, a record of previous convictions against the prisoners, which information is supplied for the sole and exclusive use of the judge; such information being carefully withheld from the knowledge of the jury. I hope you may have a pleasant trip to Paris and a safe journey home.

The calendar of prisoners to be tried at the Summer Assizes, to be holden at the Shire Hall, Warwick, on Saturday, the 25th day

of July, 1891, contains the names of the prisoners to be tried, with a record showing description of the offenses with which they are charged, and a statement of other crimes of which they may have been convicted. To this was affixed the certificate of the governor of the prison in these words:

"I certify that to the best of my knowledge and belief, the several prisoners have been convicted as stated above.

H. W. PARR, Governor."

If the letter "N" were opposite the name, it signified the prisoner could neither read nor write; the letter "R" that he could read, but not write; "Imp." that he could read and write imperfectly. "Well" that he could read and write well. "Sup." meant superior education. Then followed the mystery or calling of the prisoner, as sailor, shoemaker, watchmaker, painter, laborer, clerk, brass-founder. Then followed some of the convictions. For instance, A, "5 years in reformatory for having unlawful possession of an album;" B, "one summary conviction for cruelty to a dog;" C, "14 days for stealing a hat, 21 days for stealing 3 1-2 lbs. beef, seven sum-

mary convictions for assault and vagrancy." D, " 5 years penal servitude for stealing 7 shillings and 6d." When the Chief-Justice read this, his face flushed with indignation and he said, "I can not understand these ferocious penalties inflicted by the local magistrates—what would they do in cases of crime with violence?" In view of this he let the prisoner off with a mild sentence of four months for burglary. I was informed that the Chief-Justice often paid a barrister a fee for defending a poor prisoner. The county pays the barrister who prosecutes. To a prisoner who was convicted of stealing 8 shillings and some napkins from an old lady, whom he knocked down, the Chief-Justice said, "You have committed a crime with violence, and I visit your crime with a heavy hand. I give you 18 months at hard labor." He also read a lecture to the constable. "Why did you arrest this man, sir?" "I arrested and searched him and made the charge against him, because I knew him to be a thief." "You had better be careful about arresting people on suspicion, or you will be cast some

day.' '* It so happened in the case on trial that the proof justified the arrest. After one of the adjournments, Lord Coleridge asked me what I thought of his way of disposing of the criminal calendar. I told him it seemed to me to be a summary way of doing things, but that I believed every man had had a fair trial, and that the jury had done right in every case, even in the one where they beat his Lordship and acquitted a prisoner who, in his opinion, was guilty.

The grand jury were in session two hours, and at the end of that time they had returned into court twelve indictments. These were all disposed of in two days and a half. During the trial of one case, in which a number of witnesses were examined, his Lordship nodded as if he were asleep. The barrister defending, a Mr. W., went on with his examination of the witnesses, but seemed to be embarrassed, fearing that the judge was not

* This is in fine contrast with the disregard of the rights of the citizen by Mayor Denny, of Indianapolis, who in a communication to the Century Magazine plumes himself upon the fact that he gave the police *carte blanche* to seize, try, convict and flog all persons whom they had reason to suspect of being "tramps."

hearing the testimony. When Mr. W. had concluded, Lord Coleridge opened his eyes and proceeded at once with his summing up, which showed that he had not missed a syllable of the evidence. In a former paper I spoke of the charm of his voice. This was shown in a marked manner in his charge to the jury. Pure English, spoken as Lord Coleridge spoke it, may be made as musical as Italian or French. Perfect enunciation, with just enough stress and volume to be heard by the persons addressed, without gesticulation or undue waste of lung power, give the speaker an immense advantage over the hammer-and-tongs oratory which mars the speech of so many of our lawyers and public men.

Western lawyers have this fault in great excess, and on a recent occasion in the Supreme Court at Washington the judges requested an attorney to address them, if possible, without making so much noise. Soon after the case was disposed of an admiralty case was heard by the court, in which it was claimed that a collision of two vessels in a fog was caused by the failure of one of them to sound the fog-horn. It was shown that

the machinery for sounding the horn was out of order, but it was claimed that a sailor with a powerful voice was used as an effective substitute. One of the Supreme Judges remarked, that if it could be shown that Mr. —, of — (naming the noisy attorney), was on the vessel at the time the defense might be good.

Once Chief-Justice Marshall sent the marshal of the court to whisper to a Cincinnati attorney, who was addressing the court after the manner of a horse auctioneer, that the judges were not deaf. Governor Hendricks of Indiana was an example of how effective a speech may be made without vociferous ranting. I have seen him leave the platform after speaking for an hour to a crowd in the open air without showing the slightest sign of fatigue. Americans make a good deal of fun of John Bull's way of speaking his mother tongue, but careful observation of the speech of cultivated English ladies and gentlemen will convince any one that they use the language with tolerable skill and accuracy.

During the trial of one case a clownish witness with a mirth-provoking stutter was tell-

ing his story in the Cousin Sally Dillard style and seemed to be utterly unable to get through. He saw that the jury, the barristers, the bystanders and even the Lord Chief-Justice were all amused, but he overdid the thing, and after the fun had gone far enough his Lordship said: "Mr. Witness, you have made us all laugh heartily, but you must now get on with your story; if you do not you will go somewhere else." These words, spoken with gentleness, firmness and dignity, produced a magical effect and the witness found his tongue without difficulty.

CHAPTER IX.

THE barrister, Mr. W., who took dinner at the Judge's Lodgings on Tuesday, gave me some interesting information concerning the relations the attorneys and barristers have towards one another. A barrister may not "tout" for retainers nor "hug" for business. If on the circuit he must not eat at the same table with the attorneys. If he chances to stop at the same inn his meals must be served in his own apartment; he must not ride in the same coach with a solicitor or an attorney, nor smoke in the same room, nor bestow on him or receive from him any hospitality. It would be a gross breach of professional decorum for a barrister to waltz or dance with any member of a solicitor's family, for this would be a gross example of "hugging" for

business.* The phrase "briefless barrister" came to me with a meaning and emphasis that were new to me. After several years of circuit riding without a retainer, the young barrister is apt to conclude that he has missed his vocation, and he betakes himself to the colonies, or does newspaper, or magazine, or other literary work in London or the provinces. It has been stated recently, on what seemed

*When Jim Fisk and Jay Gould were working out Fisk's formula that it was "easier to rescue property from the owners" than to acquire it by legitimate methods, they retained some go-between attorneys and hired Tammany judges to work the plan. The judges were driven in disgrace from the Bench, but the rascals retained the fruits of their crimes, and the lawyers pocketed their fat fees without a twinge of contrition. What Fisk and Gould did in a sort of Robin Hood way is now accomplished by sneak-thief lawyers, who peddle to their clients their supposed influence with judges upon whom they have or claim to have some social or political "pull." There was an outcry against this abuse during the last campaign in Indiana, when it was alleged that the claims of certain candidates for the Bench were being pushed by some lawyers who it was charged had a pass-key to the back stairs leading to the judges' chambers. This practice is simply shocking, and the fact that it is allowed by some judges, and is used by otherwise reputable attorneys, does not abate a jot of its enormity.

to be good authority, that only about 10 per cent. of the young men who are called to the bar succeed in making their way. This is a melancholy showing when one considers how much time and money they have spent in the effort to qualify themselves for the work of their profession.

It was at the Warwick Assizes, in March, 1771, that the case of *Rex vs. Donnelan* was tried before Justice Buller. I saw the original records of the case, which are kept at the Judge's Lodgings. Donnelan was tried for murder, being charged with poisoning a kinsman, a nephew, I think. The defendant was a man of property and influence. The trial began at 7:30 A. M., on Friday, March 30; at 6:34 P. M. there was a verdict of guilty; the prisoner was sentenced immediately and was hanged early on the following Monday morning. It was a case resting upon circumstantial evidence, and Justice Buller's charge to the jury has, ever since that time, been regarded as a leading authority on the principles of presumptive proof. The celebrated Dr. Hunter, whose bust is in Leicester Square, London, came down to Warwick and testified

as an expert for the defense against several other physicians who gave opinions as to the cause of death. The jury discredited Hunter, and at the time it was rumored that his sworn statement was procured by the payment of a large fee. "This," said Lord Coleridge, "was the only stain upon the name of one of the greatest physicians England ever had."*

*The hired professional expert witness has got to be such a nuisance, such an obstruction to the administration of justice, that he has been expelled from the courts of two civilized countries—France and Germany—and has been denounced and discredited in the highest courts of England and the United States. In a case reported in 21 How., pp. 88-100, Mr. Justice Grier said in his opinion: "Experience has shown that opposite opinions of persons professing to be experts may be obtained to any amount; and it often happens that not only many days, but even weeks are consumed in cross-examinations to test the knowledge or skill of the witnesses and the correctness of their opinions, wasting the time of the court and wearying its patience, and perplexing instead of elucidating the questions involved in the issue." Mr. Justice McLean, when on the circuit, said in a case reported in 6 McLean 303, that "the opinions of experts who have been examined are in conflict, and, so far as my experience goes, this has been uniformly the case where experts have been examined." In the Tracy Peerage case, Lord Campbell said of an expert: "I do not mean to throw any

Lord Coleridge met Grant when Grant was in Europe, and met Sherman in America in 1883. At a banquet Sherman told him a story, which may be an old one, about his occupation of Atlanta in 1864. The ministers were much exercised about their worship and consulted Sherman about it. He told them to proceed as usual. "But how about praying for President Lincoln?" asked the minis-

reflection on Sir Frederick Madden. I dare say he is a very respectable gentleman, and did not mean to give any evidence that was untrue, but really this confirms my opinion that hardly any weight is to be given to scientific witnesses; they come with a bias on their minds to support the cause in which they are embarked, and it appears to me that Sir Frederick Madden, if he had been a witness in a cause and had been asked on a different occasion what he thought of this handwriting, would have given a totally different answer." The abuse is notorious in patent cases. Hired liars march in platoons to bolster up or destroy letters patent, and the office of many a patent attorney is converted into an incubator for hatching perjuries. It is high time for some legislation to stop this disreputable business in our courts. A law providing for unbiased experts appointed by the court to report on scientific questions involved in the litigation, would do much toward the extermination of the pestilential brood, whose presence in our courts recalls the old days when professional perjurers wore straws in their shoes to let shysters know that they were in the market.

ter. "Don't do it," said Sherman. "Lincoln is doing very well and doesn't need your prayers." "How about President Davis?" "Oh," said Sherman, "pray for him with all your might; he greatly needs your prayers." When on exhibition, Grant seemed little inclined to talk, and made the impression on Lord Coleridge that he was a very taciturn person, an impression which is common with those who do not know how glib and humorous Grant's volubility was when he was with his intimate friends.

CHAPTER X.

WARWICK was the birthplace or home of Walter Savage Landor. The house was shown me where he had lived. A friend of Lord Coleridge, a Mr. M., who lived at Warwick, was a very nice, precise gentleman, of great delicacy of feeling and high sense of propriety, a man much with the ladies, assisting in their social affairs and church functions. Landor and Mr. M. were once walking together, and just as they were opposite to where some lady friends were standing, Landor, who was very violent and abusive at times, was speaking of some duke whom, with great emphasis and a violent gesture at his walking companion, he denounced as an "infernal scoundrel." M., fearing that the ladies would suppose that he was the object of Landor's malediction, cried out, so that the

ladies could hear him, "That was what you said to the duke, Mr. Landor?"

At dinner on Wednesday I met a Mr. Hill, who was a nephew of the poet Southey, and whose wife was Southey's daughter. Mr. Hill is or was about eighty years old, and was a tutor at Rugby under Dr. Arnold. His unmarried daughter was with him, and is the only surviving child of a large family. Through the influence of his friends, who knew him when they were boys at Rugby, the old gentleman had a place in some endowed school in Warwickshire, which yielded him an income of £700. He was a gentle old man, whose lifelong occupation as a teacher had polished and softened his character to a temper that was alert, intelligent and courteous, and which at his great age gave him a special charm. He was compelled to go when the ladies retired, his health being such as to forbid late hours.

The talk over the port was varied and interesting. Sara T. Coleridge, the aunt of Lord Coleridge, had put him through his paces in Greek and Latin when he was too young to go to Eton. He was warmly attached to

her and revered and spoke of her as "a saintly woman." Being at dinner once he heard Carlyle say of his aunt: "Yes, she was a vera fine creature—a vera fine creature—but she was always drunk." Lord Coleridge fired up instantly and said: "Mr. Carlyle, if you mean to say that she was ever or frequently under the influence of strong drink, what you say is false. During the last two years of her life, when she was dying of cancer, she may have occasionally taken opium to deaden the pain, but in any other way she was never drunk." The raspy old Scotchman, who, Lord Coleridge said, was an "old brute," made no answer. I found among the company generally an unfavorable opinion of Carlyle, who is counted a man of powerful intellect, but who was possessed of insane prejudices and worked upon very narrow lines.

Lord Coleridge said the stories of Sydney Smith's wit were not exaggerated. He had met him at dinners, and on such occasions Smith kept the company in a roar of laughter, until they suffered with pain from side-ache. Once when Smith and a number of guests were entertained at Holland House,

he dined with George IV, then Prince of Wales, and remarked that the Duke of Orleans was a very bad man. "But," retorted the Prince, "the Abbe—who was a friend to the Duke—was a much more despicable character, and he was a priest." For once the clerical wit got the worst of it. This story of Beau Brummel and George IV, which was told by his lordship, may be new to some of my readers. At a company where George IV, then Prince of Wales, was entertaining a number of friends, Brummel made a bet that he could make the fat Prince ring the bell for the servant. So he said: "Prince, will you please ring the bell?" "Certainly," said His Royal Highness. He rang the bell promptly, and when the servant appeared said: "Order Mr. Brummel's carriage immediately, that he may go home." The Beau won his bet, but he lost his night's frolic.

Speaking of our late ministers to England, Lord Coleridge said Lowell was a most lovable man and very popular with the intellectual and literary people, but that as a man of affairs and diplomat Phelps was greatly his su-

perior. He had hoped that Cleveland would make Mr. Phelps Chief-Justice when Judge Waite's death made a vacancy. Of Mr. Robert Lincoln, our minister, he said he had been received kindly on account of the veneration entertained for his father, but that he had fine elements of character, and by force of his own merit was gaining rapidly in the esteem of the people. At a banquet given to Mr. Lowell soon after he came to England as minister, Lord Coleridge, in some remarks made as toastmaster, or in response to a toast, alluded in terms of pleasantry to Mr. Lowell's celebrated essay on "A Certain Condescension in Foreigners," which is surcharged with Anglophobia. Mr. Lowell took the allusion unkindly, fearing that it would stir up a feeling of animosity against him. This oversensitiveness was a grave fault in Mr. Lowell's character. I went to Chicago several years ago to hear his address on "The Independent in Politics," which he was invited to deliver on Washington's birthday in Central Music Hall before the Union League Club and some Democratic society. He was pleasantly entertained in Chicago by men of both parties, and the audience was

prepared to hear him give the political workers and the men who do "practical politics" a good drubbing, and to take their punishment good-naturedly. Coming upon the platform in presence of several thousand expectant listeners, he announced that he had changed his topic and would deliver a literary address to prove that Shakspeare did not write the play of "Richard III." It was a melancholy sight to see the citizens of the pig-sticking city sleep while Mr. Lowell went through his labored and rather ineffectual literary performance. It was explained afterward that Mr. Lowell had been so well treated by the politicians of Chicago that he was afraid his political address would give offense.

Sipping port after dinner Lord Coleridge paid a high compliment to "Cook's Imperial" wine, which he said was, in his judgment, equal, if not superior, to most of the champagne imported from France. And this led up to an amusing story of a country gentleman of Devonshire who gave a fete to the villagers and tenants upon his estate. To do the handsome thing the host served the best brands of port, claret and champagne. A

tenant, after refreshing himself by sampling the drinks, was asked if he would have some more. He answered that the high-priced port and the claret were very good, but for his part he "would like a little more of the plain cider," meaning the costly champagne, which he had been guzzling with great gusto.

I was booked for a trip to Paris and was compelled to decline Lord Coleridge's invitation to go with him to the Birmingham Assizes. Upon taking my leave Lady and Lord Coleridge expressed the hope that I might go to their country home in Devonshire, where they expected to be late in August, but the *Etruria*, in which I had secured a berth, was to sail for New York on the 22d of August, and I had to deny myself the pleasure of seeing them at Ottery St. Marys, which, for several generations, has been the home of the Coleridges.

CHAPTER XI.

BEFORE leaving England I wrote to Lord Coleridge, thanking him for the kindness he had shown me. Coming back to London, after a two weeks' visit to Paris, I found the following letter awaiting me at the Tavistock Hotel:

JUDGE'S LODGINGS, EDGBASTON, BIRMINGHAM,

Aug. 8, 1891.

My Dear Mr. Fishback—It is a great pleasure to me to have been able in any way to make your stay in England more agreeable and interesting than it would otherwise have been. I can assure you with perfect truth that I owe Mr. Justice Harlan a real debt of gratitude for introducing you to me. All around, we were equally delighted, and I shall not forget those few days at Warwick spent in your company. I am old and indolent, and a very bad correspondent, but it will give me unfeigned pleasure to hear from you when you get back to your own country. To America I must always have the warmest feelings of regard. From the first hour of my stay in the States

to the last I was feasted, honored—I had almost said “petted,” so that if it had gone on much longer, I should have had my head turned.

I knew, however, to what I was coming back too well. You have seen the best side of us, and I am neither so polite nor disloyal as to question that we have a good side. And bad as our politics seem to me just now to be, and awful as the descent is from Sir Robert Peel and Lord John Russell to “Dizzy,” and Lord Salisbury and Chamberlain, still we are at present free from that personal corruption which seems to taint your politics and that of the Dominion. But our press, though rather better educated, is to the full as vile as yours, and it has a swagger and insufferable pretense and self-assertion from which you are free. And our court and aristocracy degrade the independence and corrupt the manliness and integrity of the vast numbers who are brought within their influence. I don’t suppose we are by nature worse than you, but you are happily preserved from corrupting influences to which we are all our lives exposed.

I am sorry to be obliged to say that we shall not be at Heath’s Court till the 22d of this month, and I rather fear from what you said that this may be too late for you to come to us there. But it will give us real pleasure, if you should prolong your stay on this side for a few days more, to receive you there on any day after the 22d, if you can and will come to us. Believe me to be,

Yours very sincerely,

COLERIDGE.

Several things are to be noted about this letter. I do not think I violate any rule of

propriety in making it public, except, possibly, that part of it which makes reference to myself. Modesty would probably have suggested the suppression of so much of it; but, as Socrates would say, "at my time of life"—being now several years past sixty—my skin is getting to be somewhat tanned and tough, and when I do blush, as I confess I am often constrained to do for my own shortcomings, to say nothing of those of my friends, I get no credit for it. This apart, there is food for reflection in what Lord Coleridge says about public matters here and in England. Being out of active politics and having once been a very active politician, he was well qualified to take a fair view of social and political tendencies in both countries. And then he was a man broadened by thorough education, extensive reading and fine literary taste. To him, as to every right-minded and intelligent person, there is something shocking in the prevalent spirit of hedonism which seems to be running riot in the civilized world. The English court and aristocracy, no less than the corrupt and corrupt-

ing coterie of politicians and jobbers of legislation at Washington, are doing everything in their power to poison the currents of social and political life.

What Lord Coleridge says in his letter of the press and the aristocracy he has doubtless expressed more publicly in England, and his well-known views have called forth much unfriendly criticism of his public career.

CHAPTER XII.

SOME flunky correspondent of the Morning Advertiser, of New York, in a letter published in that paper May 27, 1894, while Lord Coleridge was dying, echoes the wishes and resentments of that part of the aristocracy who have had titles thrust upon them and who have not achieved greatness as such peers as Coleridge and Russell, the present Lord Chief-Justice, have done. This correspondent, who signs himself "Wycollar," says: "The serious illness of Lord Coleridge has evoked feelings on the part of the public the reverse of sympathetic, and, although no newspaper has ventured to make any reference thereto in print, yet the almost universal expression of opinion, in club and salon, has been to the effect that it would be a good thing on the

whole if he were not to recover.'" The frank brutality of this statement is, as I take it, a pretty fair exhibition of the tone and temper of that class of the aristocracy who coddle "Buffalo Bill" and George Gould, and who regard prize-fighting, horse-racing and gambling as the chief occupations of a gentleman. Let it be noted that Lord Coleridge, who seemed to come between the wind and the nobility of these gentlemen of the "club" and "salon," was the lifelong and intimate friend of Cardinal Newman, Professor Jowett, the master of Balliol, and Matthew Arnold, all members of what Lord Coleridge's illustrious kinsman designated "the great peerage of undying intellect.'" If a man is to be known by his friends, I suggest to "Wycollar" and other such journalistic vermin that the good name of Lord Coleridge will not suffer by the neglect or active hostility of the sporting gentlemen who desired his death.

But it seems, according to "Wycollar," that the Lord Chief-Justice did not deport himself with sufficient deference towards the Duke of Rutland and his sons, the Marquis of Granby and Lord Edward Manners,

in the trial of a lawsuit in which a humble subject of her Majesty was plaintiff and these noble gentlemen were defendants. There is such a charming naivete in "Wycollar's" way of telling the story, that I give it in his own words:

"The plaintiff was a man who had served a term in prison for poaching, and of the professional agitator type, who used to make a practice of purposely taking up a position on the semi-public paths traversing the ducal estates, when shooting was in progress, with the express purpose of interfering with the sport and angering the sportsmen. He would often go so far as to gesticulate and shout wildly while the drive was in progress, so as to prevent the pheasants driven by the beaters from flying in the direction where the guns were ensconced. All this was tolerated by the Duke with the utmost patience, but when at length he added insulting language to his behavior to the Duke and to his guests, one of his Grace's gamekeepers took a hand and knocked the fellow down, with the result that a suit for damages was brought by the man against the Duke and his sons. Lord Cole-

ridge, presumably with the intention of getting even with so recognized social leaders as the Duke of Rutland and Marquis of Granby, went out of his way to insult all three noble defendants during the trial, wound up by delivering a charge most unduly biased against them, and in direct contradiction with all the established traditions and principles of the sporting world in England. Of course, this has not been forgotten of Lord Coleridge, and inasmuch as the English people are essentially a sporting race, it has added to the popular antipathy against the aged Judge, not only among the classes, but also the masses."

This story presents as formidable an indictment of the noble defendants, and as thorough a vindication of Lord Coleridge, as it would be possible to make.

This was only a year ago, "Wycollar" says. Early in this century, Sydney Smith, by his essays on the game laws, "raised the hair," so to speak, upon the backs of the noble dukes and their sons who used to set spring guns, and send their gamekeepers out to murder the half-starved peasants

who occasionally snared a rabbit. Now, a common man, standing in a public—"Wycollar" says a "semi-public"—path, frightens some tame, hand-raised pheasants, so that instead of flying toward the place where the noble Duke and his sons were "ensconced," with their guns, the poor birds avoided the ambush. But he "gesticulated" and "shouted wildly," and talked back to his Grace, until his Grace's patience was worn out, whereupon his Grace ordered one of his lackeys to set upon and beat the offender and knock him down. Then some low-bred barrister, having the traditional courage of his profession, accepted a brief for the man who was thus beaten by the direction of the "noble defendants," and the trial came on before Lord Coleridge and a jury. It was the duty of the judge to ignore the fact that the defendants were noble and the plaintiff ignoble, and to tell the jury, as the law of England has declared for centuries, that mere words or gestures that do not amount to an assault are no justification of an assault and battery. But the gravamen of Lord Coleridge's offense seems to have been that his charge,

though accurately expressing the law, was “in direct contradiction with all the established traditions and principles of the sporting world in England!” So it seems that the common law of England does not accord with the traditions and principles of the sporting gentlemen of the “club” and “salon.” Well, the noble Duke and his sons, the Marquis of Granby and Lord Manners, had better be looking up the abstracts of the titles they have. As men were said to be of more account than sheep and sparrows in the days of Christ, it may be that a day is coming, and God speed it, when in England there will be some method for “facilitating the descent of dullness” to its proper level—a great lack now in English society, as Professor Huxley says—and when an inherited and unmerited title will go for nothing. Sydney Smith once asked if a curate trampled upon did not suffer as great a pang as a bishop confuted. It may come to pass in England that even “the classes” and “the masses” will come to understand that knocking down one of her Majesty’s subjects is as grave an offense as scaring a tame pheas-

ant beyond the range of an "ensconced" gun in the hands of a noble duke.*

*Speaking of Lord Coleridge, in the reminiscences already mentioned, Lord Russell, the present Lord Chief-Justice, says: "Few men, in his position, are without enemies, and he was no exception to the general rule. For myself, I knew him as a kind, considerate and generous friend, steady in his friendships and probably constant also in his dislikes. There are many now living who have experienced kindness at his hands and who can recall, as I can, with gratitude, words of encouragement, spoken in times of doubt and difficulty. These count for much in the career of a barrister struggling to emerge from the unknown crowd. No one, however, will gainsay that by his death a great figure has passed away. He was intellectually, as he was physically, head and shoulders above the average of his contemporaries. He had a high sense of the dignity of his great office, and of its importance. For above twenty years he sat upon the judicial bench, and I believe that during that long period he did honestly strive 'to do right to all manner of people, after the laws and usages of the realm, without fear or favor, affection or ill-will.'"

CHAPTER XIII.

IN my conversations with Lord Coleridge and his guests I discovered a tone of depreciation in what they had to say of President Harrison. This was an echo of the views of the so-called mugwump press. In the same way the members of the Reform Club—of which I was for a few years an unworthy member—are in the habit of belittling, or to use a milder phrase, patronizing men of the West, who, in public life, show ability of a high order. This habit they should set themselves to work to reform at once. Their judgments of men are happily reversed in most cases, and no serious harm is done in the long run. Seward was, to men of this class, the only great statesman, and Lincoln an awkward, uncultured country lawyer, a sort of Cheap John politician, and nothing more. McClellan was par

excellence the great military chieftain of the war. Grant was a dull fellow. Phil Sheridan was properly employed in buying mules for the quartermaster's department. Sherman was supposed to be insane because he dissented from Seward's opinion that the war was a "ninety days" affair, and had said that it would take quite a large force to keep the rebels out of Kentucky. And then Morton, and John Sherman, and Garfield, and Harrison, bearing the bar sinister of Western birth, were second-rate men. So they wrote and talked in their little coteries in the East. But even the most pronounced mugwump, rising now from his salaams to the great statesman of Gray Gables, will admit that Lincoln was something of a man after all, and that Grant, and Sherman, and McPherson, and Logan, and Sheridan, handicapped as they were by reason of their obscure birth in the wild West, made tolerable figures as military leaders; that Senator Sherman, and Harrison, and Garfield did not appear at a disadvantage alongside of the later specimens of Eastern statesmanship, the Gormans, the Hills, the Murphys, the Quays, the Camerons, *et id ge-*

mus omne. Lord Coleridge being much with these Eastern gentlemen when in this country in 1883, and reading copies of the Nation occasionally, had come to think that Harrison was a sort of "boy statesman," whose administration would be respectable and possibly able under the guidance of Mr. Blaine, who to the English mind stood as a sort of Premier to a figure-head President. To disabuse the mind of his Lordship I took occasion to send him my sketch of the life and public career of President Harrison, which was published in the New York Evening Post, December 1, 1888, a few weeks after the presidential election. In response I received a letter dated January 10, 1892, from St. Lawrence-on-the-Sea, in Kent, where Lord Coleridge had gone for his Christmas vacation. Among other things he said:

"I thank you for the paper and for your thought of me in sending it. I have read it with great interest, not only as being yours, but because it narrates and explains a career very noble and touching in itself, and it may be said impossible in England. There may have been examples in the times of the Commonwealth, perhaps, when Bishop Compton, Bishop of London, certainly had been a cavalry officer, but they were very

few. There were a few men who became eminent at our bar who left the army at the peace and disarmament after Waterloo, but that again was a very different sort of thing. They were little more than boys when they went on half pay, and practically they lived the ordinary humdrum life of barristers ever after. With you it must have been more common, though such a character as you describe could be common nowhere. I remember coming across a very interesting and powerful man in Ohio, who had served as a private, and was then (1883) one of the first men in his State, a Mr. Lincoln, I believe, no relation to the great President, but a man of very great vigor of mind and character. There were very good stories of his force and power told me, but all highly to his honor. It is a poor return for your paper, but I send you a hasty thing I had to write against time for the unveiling of Matthew Arnold's bust. It is really as much about Horace as Arnold, and in that view perhaps may interest you. I often think of our pleasant time together in the summer, and wish that it could have been prolonged or could be repeated. I should be glad to have shown you my Devonshire home merely as the sort of country house, not large and splendid, but comfortable, which so many of us love so well. I was in one or two country houses in America, particularly at the town of Lenox, Mass., which seemed to me in itself and in its surroundings very beautiful and liveable, if one may coin a word. That I did not see many more such I attribute to my own journeying being so much amongst the cities of America, which, indeed, with the people, were what I went to see. But I suppose they are at least rarer with you than with us, for I observe cultivated Americans always were pleased with them

here and speak with regret of their comparative absence in the States. I am here for our Christmas vacation, which I am sorry to say ends to-morrow; in consequence of the serious illness of Lady Coleridge. She is very weak and exhausted, and I can not help feeling anxious about her. They say this corner of Kent is the purest air in England. It is splendid, no doubt, but Malvern, of which this piece of paper is a relic, is still more to my taste. We spent October there for the same reason. Lady Coleridge joins me in very kind regards, and I am always, .

Yours very sincerely,

COLERIDGE.

Pray let me hear from you whenever you have time to spare for such a purpose.

When President Harrison had completed his tour across the country and his speeches were collected, I sent Lord Coleridge a copy of the book containing them. His Lordship was much pleased, and, in a letter dated July 2, 1892, he said:

The speeches give me a very high idea of Mr. Harrison. We know very little here of your politicians, and it is pleasant to be brought face to face with any one so manly and high-minded as Mr. Harrison shows himself in the book you have sent me. The perpetual demand which American customs make upon any one of the leaders of the parties in the way of speeches must be very trying. In a degree (not within a thousand miles of the President) I found it so myself when

I was in America. But a private foreigner can say what he likes; a President, of course, must watch his words.

It is hardly necessary to say that Harrison's administration fulfilled the expectations of his friends, and that before Lord Coleridge died he and other great men in England and elsewhere had occasion to modify their previous views concerning his ability as the chief executive of a great nation.

But Lord Coleridge loved the poets and loved to talk about them. This little extract from the same letter gives a glimpse of that side of his character. Whittier had just died :

I see you have lost a very noble old man in Whittier. A friend of mine in Philadelphia, who has many Quaker connections, introduced me to him many years ago and gave me all he had then written. It is a very pure, bright spirit we have lost in him, and his poetry, though perhaps not of the first order, was beautiful and inspiring, and a great deal of it will live. I have never been able to assimilate Walt Whitman, nor, even as one sometimes can, see what others admire in art or literature, though one can not agree in admiring oneself. I still think your best poet, by far, is Bryant, because he is American. Longfellow might have been a Belgian, an Italian or an Englishman, just as well as

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an American, except perhaps for his too greatly underrated *Hiawatha*. But Whittier is, in his way, American also, and has always for that, as well as for other reasons, strongly appealed to me.

CHAPTER XIV.

LORD COLERIDGE entered Parliament as a member of the House of Commons when he was, as Lord Russell, his successor as Lord Chief-Justice, says, forty-seven years old. He was fairly successful as a political debater, but lacked the experience necessary for a leader in that body. Afterward he was a member of the Gladstone Cabinet, from which he was promoted to the Bench. His judicial career covered a period of twenty years. To the last he felt a lively interest in public affairs. In a letter written in the summer of 1892, from which I have already quoted, he says:

You are just entering on a great contest; ours is just over, and has landed Gladstone once more in power. It is the fashion here to say that he will not keep it. He will not perhaps, for, wonderful though he is, he will be eighty-three complete in three months

more and he can not permanently suspend the laws of nature. But I hope and believe the party will keep together long enough to extinguish the Unionists. I am out of politics (at least present politics), of course, but I would go far and do much to destroy the Unionists. To them and them alone is due coercion and all the train of evils and the denial of obvious and safe improvements in England and Scotland. I have no feeling whatever against the Tories; there must be such people in every old established and aristocratic country, and they at least are honest and act steadily on their principles. But a Unionist, who pretends to be and calls himself a Liberal, and who for seven long years has voted for everything reactionary and utterly opposed to his creed; I have no patience with these men. They were masters of the situation; they had only to say this and that must not be and it would not have been. But they lent themselves, in their blind hatred of Gladstone, to Balfour and his trade to hasten, nay, more than to hasten, all their worst Tory measures, and the one thing I do gravely regret in the last election is that it has left them still mischievously strong. They can not stand alone, it is true, but forty-seven is more than I like to think of as a phalanx on the flank.

This letter was written from the city of Gloucester, where Lord and Lady Coleridge were attending a musical festival, which was given in the cathedral.

“There is something,” he says, “apart from the acoustic properties of the building,

in the arches and grand roof, the stained glass, the height, the age of the building, which seems to increase the beauty and grandeur even of Mozart and Beethoven. The daughter of the bishop produced a piece of real merit, but a gentleman named Parry produced a work on the story of Job, which seems to me one of the very finest things an Englishman has done for many years. Perhaps you know Gloucester. It is a most interesting city, and the cathedral and its surroundings are grand and yet quiet and beautiful in no common degree. You are always sending me things, and it seems greedy to ask for more, but I did not get to Indiana when I was in America, and I have no clear idea of the country or its capital. Is there a photograph of your city? I should greatly value it if there is, and you would send it to me. When are you coming again? The sooner the better for your friends here. Next year, of course, the whole habitable globe will congregate upon the shores of Lake Michigan, and the year after is a long prospect for an old man. But I hope to meet you once more."

CHAPTER XV.

THOUGH past three score and ten, it did not occur to me to think of Lord Coleridge as an old man. He wrote with the steadiness of a strong man, and an autographic note of his, written on the fly-leaf of a volume of Spenser which he presented to his cousin, Sophia Coleridge, on Good Friday, 1841, and which is now in my possession, is a fac-simile of his writing in the last letter I received from him last autumn. It is a great pleasure to have known a great man, great in his professional and judicial career—so gifted, so scholarly, such a lover of all good things in literature and music, and all these things adorning and strengthening, and not in the least impairing his efficiency as a great lawyer and a great judge. That he was both of these is the ungrudging testimony of the present Lord Chief-

Justice, whose article in the *North American Review* for September, 1894, is a worthy tribute to his predecessor.

Lord Coleridge sacrificed to the muses as well as the graces, and never counted it a defect in the character of a good politician or a great lawyer that he loved poetry and music. When President of the Salt schools at Shipley, Yorkshire, an honorary title bestowed upon him, he delivered an address on "Education and Instruction." The address was delivered in June, 1893, just one year before his Lordship's death. At the risk of extending this paper beyond a reasonable limit I will make a couple of extracts from this address, which may be read with profit by young and old :

Speaking as an old lawyer especially, I may say that few things compare in usefulness with a retentive, accurate memory. It is in youth that this faculty is formed and trained, and one of the best methods of strengthening it is the habit of learning by heart passages we admire from authors, both in verse and prose. What we learn in youth we are apt to remember well; mental impressions at that period of life do not easily fade; and although they are easily received, they are indelibly retained; and if they are impressions of noble thoughts, clothed in noble language, we are laying up

a store of intellectual pleasure at one end of life for enjoyment at the other. Many of us live to grow old; if we do, our minds, if not ourselves, grow lonely; the interests of the world fade away, and the fashion and beauty of it vanisheth, and a time comes when we feel that:

“ ’Tis meet that we should pause a while
Ere we put off this mortal coil,
And in the stillness of old age
Muse on our earthly pilgrimage.”

At such times the recollection of great thoughts, of lovely images, of musical words comes to us with a comfort, with an innocent pleasure which it is difficult to exaggerate.

I will tell a story which came to me a few days ago, which illustrates the accuracy of Lord Coleridge's memory. At a banquet in New York, I think, some lawyer who had tried to cover or adorn his literary leanness by accumulating some scraps of poetry from a Cheap John collection, in his response to a toast, flung at the head of Lord Coleridge the oft-repeated words, “The shallow murmur, but the deep are dumb,” which he attributed to Roscoe Conkling! Lord Coleridge, in his talk, alluded to the matter and said that the words had been familiar to him from his youth, but that he had always been of the

impression, which was possibly erroneous, that Sir Walter Raleigh, and not Roscoe Conkling, was the author of them. But I proceed with the quotation from his address :

And what should you learn? Speaking generally, the safest rule to follow is to learn that which pleases you best. I assume that it is not bad; but as to what is best, taste is very varied, and that which commends itself to one man perhaps repels another. My own taste you must take just for what it is worth, but (leaving out for obvious reasons all Greek and Latin writers) before and above every one (including them) I should myself place Shakspeare; an inexhaustible storehouse of wisdom, instruction and exquisite diction, indispensable to any one who has anything to do with speaking or writing. I knew well, I think many here must have known, a great advocate who was on the Northern Circuit, of whom it used to be said that perhaps he did not know much law, but he did know a good deal of Shakspeare. And a great judge who knew both law and Shakspeare said, when this was repeated to him, that although in a lawyer, perhaps, a little law was desirable, yet if that could not be had, the next best thing to have was a knowledge of Shakspeare. Next to Shakspeare, I, for one, should put Milton. Have any of you not heard the magnificent eloquence of John Bright? He told me himself that he was built on Milton, and if you heard him, nay, even if you read him, you can see that he is steeped in the spirit of this great poet, and that though he does not imitate Milton, he speaks after Milton.

All this must be very offensive to Hamlin Garland and his school, who join in saying to us that Shakspeare, and Milton, and Scott, and Thackeray, and Dickens are back numbers. A year before Lord Coleridge delivered his address I spoke to the graduating class of the Law School at DePauw University and tried to utter and make application, in a rather lame way, I confess, of one of the thoughts of Lord Coleridge: "The drudging, dray-horse lawyer, who shows the marks of his office collar, who rarely allows himself a day off, who never has time to see a good play, who doesn't know the difference between Yankee Doodle and a symphony of Beethoven's, who never witnessed a game of foot-ball or base-ball, who never killed a salmon, bass or trout or winged a mallard or canvasback—how to be pitied is he! It is absolutely distressing to have a distinguished legal friend look at you curiously when you quote an opinion of Buckle's, or Lecky's, or Huxley's, or Matthew Arnold's, or Spencer's, and ask you who Buckle, or Lecky, or Arnold, or Spencer is. A man who has not made himself more or less familiar with the drift of

modern literature is preparing himself for a dull old age and is depriving himself of the best things that life affords. Sir Samuel Romilly pleaded with his professional brethren to devote all the time they could to polite literature; not simply for the pleasure it affords, but because it tended to make them better lawyers and more useful men. 'As soon as I found,' said Romilly, 'that I was to be a busy lawyer for life I resolved to keep up my habit of non-professional reading; for I had witnessed so much misery in the last years of many great lawyers whom I had known from their loss of all taste for books that I regarded their fate as my warning.' "

There is a pathos in the concluding paragraph of Lord Coleridge's address that must touch every one. He was now in the last year of his long labors and useful life. He is speaking to the young students at Shipley and his words come with equal emphasis to the young everywhere.

One word, if I may, to counsel you to live faithfully and in earnest. Blessed are the pure in heart. It can never be too early to begin. The temptations of youth, of middle age, of old age; all life has its

temptations, all can be conquered. Do not believe those who tell you that such an achievement is impossible. It is perfectly possible, as many have proved. I can have no kind of reason to mislead you, and my age ought to give me, at least in this matter, some authority. Nothing will more help you to it, nothing will tend more to keep you from evil than the company of good books and the thoughts and counsels of good men. They will fill you with good thoughts, and good thoughts bring forth good deeds, and good deeds are the only true happiness of life.

I will end in the words of a great American poet, Bryant, written when he was very young, which I have known and admired—I wish I might say I had lived by—all my life:

“So live that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm, where each shall take
His chamber in the silent Halls of Death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave
Like one who wraps the drapery of his couch
About him and lies down to pleasant dreams.”

CHAPTER XVI.

EARLY in the spring of 1893 I engaged to write a notice of ex-President Harrison for the Appletons' new edition of their Cyclopaedia of American Biography, and, wishing to use a portion of one of his letters in which he had said some complimentary things of General Harrison, I wrote to Lord Coleridge for permission. In answer he wrote the following:

1 SUSSEX SQUARE, W., 27th April, 1893.

My Dear Mr. Fishback—I have not time to properly answer your letter of the 13th, and shall not try. But I write a line at once to say that anything I have written (though I have quite forgotten what words I used) is very much at your service if you desire to use it. I have not the personal acquaintance of either Mr. Harrison or Mr. Cleveland, but they both seem to me, judging of their public speeches and acts only, to be men of high character and pure motive; and certainly the election seems to have been as fairly and honestly conducted as is reasonably possible. Of course, an

Englishman must needs think the Republicans dead wrong in their political economy; but I don't expect that Mr. Cleveland will be able to do much in a country so hopelessly protectionist, whatever he may honestly wish.

The World's Fair will keep every American at home this year; next year, if we should be alive, Lady Coleridge and I reckon on seeing you. I will write about the arbitration later on. I attended a session of it in Paris, and was profoundly impressed with the ability of the counsel, the great dignity and fairness of the tribunal, and (last, not least) the princely manner in which the French republic was conducting itself toward every one connected with the arbitration.

Yours very sincerely,

COLERIDGE.

Mr. Cleveland's wishes concerning tariff reform and financial legislation have certainly been frustrated by the antics of the "wild horses" of his party. The good Sir Thomas Browne tells us it is not wise to fish for whales in the Euxine sea, and when Mr. Cleveland or any other President expects to do great things for the cause of reform in any of its phases by means of such an aggregation of ignorance and inexperience, to say nothing worse, as controlled the Democratic majority in the last Congress, he expects too much. Mr. Cleveland mounted the box, assumed the reins and

started his new Congress off in extra session at a lively pace, after giving it a fillip with his anti-silver-purchase message. But his leaders balked, and it was only by the aid of some hard-pulling Republicans that the repeal bill became a law. In October, 1893, Lord Coleridge said in a letter to me :

I have hardly heard much from you since Mr. Cleveland's election. Both the candidates, to a foreigner, seem to have the merit of high character and principles; but to an Englishman the leading lines of Mr. Cleveland's policy appear to be those which a great country ought to move along, and especially on the silver question he seems to be clearly in the right. I know many clever men who are bimetallists, but I have never been able to comprehend how that policy can be supported, except by giving an artificial value to one of the precious metals, and then it is only another form of inconvertible paper and so it will never work. Of course, gold does alter somewhat, but returns show that gold has varied so little for near one hundred years that it is practically fixed in value, and if so, there seems to be an end of the question.

In the same letter from which I have just quoted, Lord Coleridge said :

I do not like the look of things on this side of the water, and although I do rejoice over the success of the arbitration between the two countries, I have never

troubled myself as to the details of the controversy, but I rejoice in the example set by two very powerful nations, and I hope it may spread, though I suppose a great military monarch, and, above all, a nation like France, will never arbitrate. I believe we do quite as unprincipled and high-handed things as the French do, but we do them with less swagger and less outward contempt for the opinion of the world. Apart from the arbitration, I believe we are not going on very well. Gladstone is a marvel, and perhaps the greatest in our parliamentary history, but the laws of nature can not be permanently suspended in favor of any one, and I think he himself is showing the truth of what he said himself now nearly twenty years ago, that "it doesn't do," as he phrased it, to serve with an octogenarian Prime Minister. He told me both Lord Russell and Palmerston had remained ministers too long, and I think he is showing it now. * * * I have been much struck, and I confess very much surprised, at the quiet with which the escapade of the House of Lords (in throwing out the home-rule bill) has been received. To me it seems outrageous, but I do not think the people care much about it—perhaps it has given them even a new lease of a life, which Lord Salisbury's insolence seemed to have and ought to have endangered.

We are just starting for London to recommence another legal year. I should not wonder if it was the last. Your letter interested me, as your letters always do, and made me hope that some time before I go hence, we may meet again and have some more talk together. I often think of our pleasant times together, and wish that they might recur.

CHAPTER XVII.

THE premonition that he was entering upon his last year was a true one. This letter was the last one I had from him. His official labors, his attendance at the House of Lords, and the social demands of the London season broke him down. And then he was depressed by the loss of three of his life-long and intimate friends, Matthew Arnold, Professor Jowett, master of Balliol College, and Cardinal Newman. How he loved Newman may be gathered from a passage in an address which he delivered to the Institutes Union of Birmingham, on April 25, 1890, a copy of which he sent me after I left England. "Thinking for Ourselves" was his theme. He said: "We are sent here by God with a mind as well as a body, and it is our plain duty to make the best we can of both of them.

* * The time will come when we 'shall per-

ceive'—I use the words of a great living writer—'that there are but two beings in the whole universe—our own soul and the God who made it. Sublime, unlooked-for doctrine, yet most true. To every one of us there are but two beings in the whole world, himself and God, for as to this outward scene, its pleasures and pursuits, its honors and cares, its contrivances, its personages, its kingdoms, its multitude of busy slaves, what are they to us? Nothing; no more than a show. Even those near and dear, our friends and kinsfolk, whom we do right to love, they can not get at our souls or enter into our thoughts, so that even they vanish before the clear vision we have, first, of our existence, next of the presence of the great God in us and over us as our governor and judge, who dwells in us by our conscience, which is His representative.' You will easily guess where those words come from. Raffaello is said to have thanked God that he lived in the days of Michael Angelo; there are scores of men I know, there are hundreds and thousands I believe, who thank God that they have lived in the days of John Henry Newman." I

think it a fitting close to these hastily written recollections to link together the names of these three friends—Arnold, Newman and Coleridge—and to quote a passage from Mr. Arnold's address delivered in this country on Emerson. He began it as follows:

"Forty years ago, when I was an undergraduate at Oxford, voices were in the air there which haunt my memory still. Happy the man who in that susceptible season of youth hears such voices! They are a possession to him forever. No such voices as those which we heard in our youth at Oxford are sounding there now. Oxford has more criticism now, more knowledge, more light, but such voices as those of our youth it has no longer. The name of Cardinal Newman is a great name in imagination still; his genius and his style are still things of power. But he is over eighty years old; he is in the oratory at Birmingham; he has adopted for the doubts and difficulties which beset men's minds to-day a solution which, to speak frankly, is impossible. Forty years ago he was in the very prime of life; he was close at hand to us at Oxford; he was preaching in St. Mary's pulpit every Sunday; he seemed about to transform and to renew what was for us the most national and rational institution in the world, the Church of England. Who could resist the charm of that spiritual apparition, gliding in the dim afternoon light through the aisles of St. Mary's, rising into the pulpit, and then, in the most entrancing of voices, breaking the silence with words and thoughts which were a religious music, subtle, sweet, mournful?

I seem to hear him still saying, "After the fever of life, after wearinesses and sicknesses, fightings and despondings, languor and fretfulness, struggling and succeeding; after all the changes and chances of this troubled, unhealthy state—at length comes death; at length the white throne of God, at length the beatific vision."

Verily, these three were lovely and pleasant in their lives, and together I doubt not they are enjoying the beatific vision.

APPENDIX.

LORD COLERIDGE ON MATTHEW ARNOLD.

From the London Times of November 2, 1891.

A BUST of the late Mr. Matthew Arnold by Mr. Bruce Joy, the sculptor of the Bright statue recently erected at Manchester, was unveiled by Lord Coleridge on Saturday in the Baptistry of Westminster Abbey. Before the ceremony a large number of the friends and admirers of the man filled to overflowing the Jerusalem Chamber, among them being many members of the Arnold family. Besides the Dean of Westminster and Lord and Lady Coleridge, there were present Mrs. Matthew Arnold and Miss Arnold, Mrs. W. E. Forster, Mr. R. Arnold, Mr. Edwin Arnold, Mr. and Mrs. Walter Arnold, General and Mrs. Benson, Mr. and Mrs. Whitridge, the Hon. Armine Woodhouse, Mr. Oakley

Arnold-Forster, Mr. W. Wood, Mr. A. Wood, Mr. and Mrs. J. Cropper, Mrs. Edward Wingfield, Constance Marchioness of Lothian, the Earl and Countess of Pembroke, the Dowager Lady Stanley of Alderley, Lord Han-
nen, Lord Shand, Lord Hobhouse, Lord and Lady Sandford, Mr. John Morley, M. P.; Mr. Osborne Morgan, M. P.; Mr. Cyril Flower, M. P.; Sir C. Butt, Sir G. F. Bowen, Mr. Lyulph Stanley, Mrs. Farrar, Mr. Hamilton Aidé, Mr. George Russell (honorary Secretary of the Memorial Committee), Canon Duckworth, Canon Ronsell, the Rev. Dr. Alton, the Rev. R. J. Simpson, and Mr. Bruce Joy.

The Dean of Westminster said: As one on whom the responsibility of adding to the memorials in the Abbey that of one whose name is dear to many here, I may be allowed to say one or two words. The responsibility is often a perilous and an anxious one. In this case I have accepted it; I discharge it with the advice and help of those who are better qualified than myself to judge, and I have decided cheerfully and unhesitatingly. I may say at once that I felt the danger of

my being biased by my long intercourse and intimacy—dating back to the time when I was a new boy at Rugby—with Matthew Arnold. I do not care to dwell on the closeness of that intimacy when we were boys, but this I may say—that as years went by, though our paths in life and our occupations were different, to say nothing of our gifts,—and I would not venture for a moment to compare myself with him—yet year by year I learnt to form an increasingly higher idea of his gifts and his genius as a poet. I am sure that it is not merely as an early friend, not merely from the thought of what I feel would be the judgment of my dear and illustrious predecessor, that I rejoice in thinking that in that sequestered, yet most interesting corner of this great fabric, some memorial will be placed of him whom so many of us join in honoring. I feel confident, so far as we may speak at present, that future generations will not forget the works of one who has painted, though in the colors of his own age, the eternal thoughts and emotions of the human spirit, in such stately rhythm as appealed to so many of the highest feelings of the heart. I can not

for a moment think that the author of the "Scholar Gipsy," of "Thyrsis," of "Rugby Chapel," of the "Good Shepherd Carrying the Kid,"—and how many more could I add?—will be neglected by thoughtful men among generations to come. I must not detain you long. You have come here to listen to one who, himself the inheritor of a great poetic name, would have been listened to more than half a century ago as he will be listened to to-day. In what circle of his contemporaries is he not listened to? But if I may add one incident, one reminiscence that this bright autumnal day has brought to my mind, I think it might interest some here. Nearly fifty-two years ago, on a visit to his father's home among the lakes and mountains of Westmoreland, from my own father's home, which lay in what is now a crowded suburb of London, I was one of the youngest of a group who walked from Fox How by Rydal, calling at the Mount by Grasmere, and home again on the other side of the lake. The group was composed of men and boys who were just on the threshold of opening manhood. We were led by Thomas Arnold, who sleeps in Rugby

Chapel, by William Wordsworth, whose grave is among his own mountains, and by Frederick Faber, who lies not far off from what was then wooded and almost rural Sydenham. Of the young men—five or six of them who were in the group—I am almost the only survivor, and I remember well the beauty and majesty of the day and some of the conversation, both light and serious, of those with whom we walked. Strange we should have thought it then, if we could have looked far into the future, that perhaps the frailest of those young members of the party should live to see placed here, by the memorials of William Wordsworth, Keble, and Charles Kingsley, in a corner of the Abbey whose dim light is broken by the hues of a window placed to recall the memory of George Herbert, the bright and jocund friend who that day walked by his side. I will now ask to do honor to his memory one of the very foremost of a group of those scholars of Balliol—over which a cloud of anxiety and distress is now rising—one of the very foremost of a group of whom only two survive, and of whom Matthew Arnold was the youngest—a

group portrayed in such touching colors by J. C. Shairp, when he said, "I have never found nor expect to find a more high-hearted brotherhood."

Lord Coleridge said: I hope no one will think, because I have yielded to a request which I could not, without discourtesy, refuse, that I suppose myself equal to appreciating the genius or properly delineating the character of Matthew Arnold. It is because of the difficulty of the task, and from my earnest desire not to say one word that shall be hasty or unbecoming, that I follow the example of a great man, Mr. Lowell, who read in the Chapter-house of Westminster what he had to say when he unveiled the bust of Coleridge in Westminster Abbey. I have, indeed, already tried to say, in print, what I felt about my honored friend; but I can not suppose that any of you have read it, or, if you have, that you remember it; and yet to say it over again would be to one man at least very dull and dreary work. Yet if I say nothing new, what I say shall, I hope, at least be true, and if it is not, as it can not be worthy of his genius, it may at least bear witness to the

depth and sincerity of the affection with which he inspired his friends. We may revive with the dews of love the fading flowers of memory and twine them into a wreath for hope to wear. In the year 1829 or 1830, I am not sure which, a bright little fellow was put upon a table in a room full of people at Laleham, and recited with intelligence and effect Mr. Burke's magnificent description of Hyder Ali's ferocious desolation of the Carnatic; in the year 1888 that bright boy, not one whit less bright, scarcely one whit less youthful, for the sixty years which had rolled away, was laid to sleep in Laleham church-yard, almost within earshot of the room, which still remains, and which one who was there can never think of except as illuminated with that bright figure, that sunny face. Of him, more than of most men, it was true, as Dryden says, that men are but children of a larger growth, or, as Wordsworth puts it still more profoundly, the child is father of the man. His was above all things a consistent life—what he was at school, what he was at college, and till the last moment of his life; the loyal son grew naturally into the loving

father, the affections of his youth strengthened and deepened into the husband's steadfast love; the clever, original, perhaps wayward, student and scholar became with no external change the penetrating, delicate, strong, yet subtle critic, the refined, the pathetic, the philosophic, the great poet. Enough has been said elsewhere of his uneventful yet most interesting life; of the gradual fashion in which he overcame the sneers, the prejudices, the flippant judgments of men whose words have long since ceased to influence, if they ever influenced, the opinion of men of cultivated, reflecting, independent minds, who think for themselves, and who determine in the last resort and without appeal the permanent place of an author in the goodly fellowship of his equals or superiors. It is; perhaps, too soon in the case of Matthew Arnold for a private man to speak with confidence as to his final and conclusive judgment. Criticisms upon him, which to my apprehension are altogether beside the mark, have appeared in publications of some temporary authority, but which have no lasting effect upon an author's fame. Lord Jeffery did his best to

crush Wordsworth; he injured, for a time, the sale of his poems, but he has not affected his fame in the slightest degree—he has only manifested his own hopeless incompetence. The Quarterly Review—I may guess, but I have no right to name, the author—attacked, with brutal insolence, the dying Keats and the youthful Tennyson. The Quarterly Reviewer is forgotten; but what Englishman questions the greatness of Tennyson or Keats? In Arnold's case much that has been said will be soon forgotten; that he will be soon forgotten every one even moderately acquainted with him will confidently deny. I am well aware that my own opinion is worth nothing, but to-day and here I take the freedom to say that in a combination of great qualities he stands alone in his generation. Thackeray may have written more pungent social satire, Tennyson may be a greater poet, John Morley may be a greater critical biographer, Cardinal Newman may have a more splendid style, Lightfoot, or Ellicott, or Jowett may be greater ecclesiastical scholars and have done more for the interpretation of St. Paul. But for a union of the satirist, the poet, the

delineator of character, the wielder of an admirable style, the striver after the eternal truths of Scripture and religion, he is, in my judgment, not only first, but he is unique. Calling back with the inexactitude of haste the great names of literature, there is one man between whom and Matthew Arnold I seem to see a curious likeness—a very great man—a man not, I think, the greatest, but the most read and the oftenest quoted of all Latin authors; I mean Horace. Horace wrote nothing without meter—nothing, at least, that has survived; but he wrote in two styles—he was a great lyric poet, and he wrote satires and epistles in hexameters, it is true, but, except in a few bursts of noble language, his hexameters were, as he said, hardly distinguishable from prose itself. As a satirist he has been beautifully described by a successor purer than himself, but, when we can understand him, almost as gracious and refined.

“Omne vafer vitium ridenti Flaccus amico
Tangit; et admissus circum præcordia ludit,
Callidus excusso populum suspendere naso.”

—*Persius*.

“And yet arch Horace, while he strove to mend,
Probed all the foibles of his smiling friend,
Played lightly round and round the peccant part,
And won, unfelt, an entrance to his heart;
Well skilled the follies of the crowd to trace
And sneer with gay good humor in his face.”

—*Gifford.*

This, surely, might almost pass for a description of much of Matthew Arnold's playful, well-bred, humorous satire—satire, nevertheless, severe and incisive, piercing to the very quick the vulgarity, the insolence, the ignorance of much which in England assumes to be society, and powerful with the strength of knowledge and the force of truth. I do not know any other author who holds the mirror up to English nature so steadily as he, and yet always with an air of benign, complacent pity, infinitely irritating, no doubt, but infinitely amusing. But there was another side to both these men, a side, perhaps, too little recognized, certainly too little dwelt upon. I waive the discussion whether Horace was the greatest lyrical writer whom Rome produced. When I think of Catullus I am glad to waive it. But I think that lately there has been a disposition to underrate

and, like Lord Byron, "to understand, not feel, his lyric flow"; to forget the splendor of some of the odes and the exquisite picturesque grace of others, the ode on Cleopatra and the one to Mæcenæ, "Tyrrhena regum progenies," in one class, and thirty or forty lovely little poems in the other. Let that pass. In lyric poetry certainly both hold a place all but the highest; and there is one quality not perhaps so commonly observed in which they are strikingly alike—in melancholy. The melancholy of Matthew Arnold was noted long since by Principal Shairp:

"Full of young strength, so blithe and debonair,
Rallying his friends with pleasant banter gay,
Or half in dreams, chaunting with jaunty air,
Great words of Goethe, catch of Beranger;
We meet the banter sparkling in his prose,
But knew not that ground tone his songs disclose,
The calm which is not calm, but agony."

The melancholy of Horace was noted by Arnold himself, and was one strong reason for the love he felt for him. He was asked what he thought the most beautiful and characteristic passage in Horace, and he answered at once:

“Linquenda tellus, et domus, et placens
 Uxor; neque harum, quas colis, arborum,
 Te, præter invisas cupressos,
 Ulla brevem dominum sequetur.”*

I can not translate off-hand, and Francis is detestable. Another passage I know was his especial favorite, not only for its exquisite music, but for its profound sadness:

“Damna tamen celeres reparant cælestia Lunæ:
 Nos, ubi decidimus
 Quò pius Æneas, quò Tullus dives, et Ancus,
 Pulvis et umbra sumus.
 Quis scit an adjiciant hodiernæ crastina summæ
 Tempora Di superi?
 Cuncta manus avidas fugient heredis, amico
 Quæ dederis animo.
 Cùm semel occideris, et de te splendida Minos
 Fecerit arbitria;
 Non, Torquate, genus, non te facundia, non te
 Restituet pietas.” †

*Mr. Gladstone translates:

Earth, home, and winsome wife, thy fate
 Will have thee leave; and not one tree
 Of all, save cypress that we hate,
 O transient lord, shall follow thee.

—*Carm. ii: 14*

†Mr. Gladstone translates:

The hastening moons all waste in heaven repair:
 We, when we once descend
 To Tullus, Ancus, sire Æneas, there
 In dust and shadow end.

There is another matter in which they sympathized entirely—the love of the country. Fit to adorn and fond of adorning those chosen companies which were fortunate enough to secure his presence, Matthew Arnold lived habitually, quite as much by choice as by necessity, away from London, and even when he took for a time a London house, he would go down from time to time for a day into the country, simply to refresh himself with a sight of his dogs, his birds, his trees, his flowers, and all those sights of fields and sky which he needed to revive his spirits and keep his mind in tune. In this he was human, natural, simple, and, let me add, like Horace, who has been described by a great poet in lan-

Will the gods grant a morrow for to-day ?
No mortal can declare ;
Give ! all thou giv'st with open hand away
Escapes thy greedy heir.

Once thou art dead, once Minos on his bench
Thy doom for thee hath writ,
Birth, eloquence, devotion, nought can wrench
Thy spirit from the pit.

—*Carm. iv: 7.*

guage, much of which might be applied to him whom we have met this day to honor.

“That life—the flowery path that winds by stealth—
Which Horace needed for his spirits’ health ;
Sighed for, in heart and genius, overcome
By noise and strife, and questions wearisome,
And the vain splendors of Imperial Rome!—
Let easy mirth his social hours inspire,
And fiction animate his sportive lyre,
Attuned to verse that, crowning light Distress
With garlands, cheats her into happiness ;
Give “me” the humblest note of those sad strains
Drawn forth by pressure of his gilded chains,
As a chance sun-beam from his memory fell
Upon the Sabine farm he loved so well;
Or when the prattle of Bandusia’s spring
Haunted his ear—he only listening—
He, proud to please, above all rivals, fit
To win the palm of gaiety and wit,
He, doubt not, with involuntary dread,
Shrinking from each new favor to be shed,
By the world’s Ruler, on his honored head!”

But there is one matter, at least, in which the superiority of the younger author is unquestioned and unquestionable. No word, no thought in Matthew Arnold is unworthy of the austere, religious beauty of the great Abbey in which for centuries his countenance, preserved to us by fine art, will be enshrined

and where his memory will enjoy such immortality as is possible on earth. Horace had examples before him which in this matter he did not follow. Arnold had examples, also, of a different sort before him, from whom he shrunk with disgust and scorn. No nobler nature, no purer mind, no loftier character has it been in a long life my good fortune to know. Envy, jealousy, meanness were unknown to him ; they withered in his presence. His writings were but a revelation of himself—now playful, now serious, always aiming at making the world better and mankind happier. And, now, to unveil his likeness and leave him among the graves and monuments of England's greatest men in that magnificent church of which it may be said that they dreamt not of a perishable home who thus could build. Let your own memories pay a nobler tribute to Matthew Arnold than his oldest friend has been able to render.

The company then went to the Baptistery, where, on the invitation of the Dean, the bust was unveiled by Lord Coleridge. It is

considered an admirable likeness. As the Baptistry is a place which is rather hidden away by some gigantic monuments and may easily escape the notice of the visitor to a place where there are so many things to attract attention, it may be well to mention that it is to be found immediately on the right of the west door. It is a little square nook which one would never think had anything in it, but within is a statue of Wordsworth, for which no room could be found in Poets' Corner, and which, perhaps, not one in a hundred of the visitors to the Abbey has ever seen, and there are also a medallion of Professor Fawcett with allegorical figures, and busts of Keble, Charles Kingsley, and Frederick Denison Maurice. The bust of Matthew Arnold, which, like the other busts, is of pure Carrara marble, stands between those of Kingsley and Maurice, and right opposite to that of Keble. The most suitable time for seeing the bust is from 1 to 2 o'clock.

The following extract is from **The Peerage, Baronetage and Knightage of the British Empire*. By Joseph Foster.

JOHN DUKE COLERIDGE, Baron Coleridge, of Ottery St. Mary, Devon, in the Peerage of the United Kingdom, so created January 10, 1874, Privy Councilor, Chief-Justice of the common pleas June, 1873, barrister-at-law M. T. 1847, Queen's Counsel 1861; Recorder of Portsmouth 1855-65, Solicitor General 1868-71, Attorney General 1871-73, member of Parliament for Exeter 1865-73, Lord Chief-Justice 1880; born December 3, 1820; died June 14, 1894.

ARMS.—Arg. on a mount vert in base an otter ppr. a chief gu. charged with a dove of the field between two crosses pattée fitchée or.

CREST.—On a mount vert therefrom issuing ears of wheat ppr. in front of a cross gu. an otter also ppr.

SUPPORTERS.—Dexter, an otter ppr. Sinister, a lion sa. each accolled with a garland of roses ppr.

MOTTO.—Time Deum cole regem.

SEAT.—Heath's Court Ottery St. Mary.

TOWN HOUSE.—1, Sussex Square, W.

*Printed and published for the compiler by Nichols & Sons, Westminster.



FAC-SIMILE OF
A LETTER FROM LORD COLERIDGE
TO W. P. FISHBACK, ESQ.



1, SUSSEX SQUARE,
HYDE PARK, W.

9th July 1891.

My own lie

I have received with
great interest Mr Justice
Harlan's note of introduction
& to thank ^{you} extremely glad
to be of any service to
you in my power. Any
day next week except
Saturday, (if Sunday in
his week) shall be very

Happy to see you in my room
to give you a seat upon
the Bench.

Do you chance to be.

engaged on Thursday the
16th (this day week)? If

you are I will come & dine
here on that day at 8
it will give ^{8 o'clock} dad & I
& me much pleasure -

Your faithful servant
Colind

W^m F. F. F. F. F.

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